

THE REIGN OF HENRY VII

THE REIGN OF HENRY VII FROM
CONTEMPORARY SOURCES

Selected and Arranged with an Introduction.

By A. F. POLLARD, M.A., Hon Litt.D.

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LONGMANS, GREEN AND CO.,
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CONTEMPORARY SOURCES

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SELECTED AND ARRANGED IN THREE VOLUMES WITH AN
INTRODUCTION BY

A. F. POLLARD, M.A., HON. LITT.D

FELLOW OF ALL SOULS COLLEGE, OXFORD, PROFESSOR OF ENGLISH
HISTORY IN THE UNIVERSITY OF LONDON

VOLUME III

PART I.—FOREIGN RELATIONS

„ II.—THE CHURCH

„ III.—IRELAND

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PART I. FOREIGN RELATIONS.

1.

[Henry VII to the sheriff of Surrey and Sussex, ordering him to proclaim the truce for one year concluded with Charles VIII of France, Rymer's "Fœdera," xii. 277 ; on 17 January, 1486, a further two years' truce was concluded, *ibid.* xii. 281, and on 3 July, 1486, a three years' truce with Scotland, *ibid.* xii. 285.]

Præcipimus tibi quod statim post receptionem præ-sentium in singulis villis portubus & locis infra ballivam tuam, tam infra libertates quam extra, ubi magis videris expediens, ex parte nostra publicas proclamationes fieri facias in hæc verba : West-minster,
12 October,
1485.

For as moche as certeyn appointements and conclusions of trues and abstinences of werre be had, made and concludid, betwene the Kyng our Soverayne Lord of that one partye, and his most derrest cousyn Charles of France of that other partye, to begynne the first daye of this present moneth of Octobre, and to endure unto the last day of Septembre next ensuyng,

The Kyng our seid Soverayne Lord straitly chargeth and commandeth all and everyche his subgettis and true hege men that they ne none of theym move ne cause to be moved any maner werre or hostylite ayenst his seid cousyn, or any of his subjets, be lond see ne freshe waters ; but that they and everych of theym peasybly suffre the seid subjects of his seid cousin, as well marchaunts as other, to entre, come, passe, and repasse into and fro any porte or portis or other place

October,
1485

or placis withyn this his realme, there to charge and recharge, and to make fre entrecourse of merchaundyse, from tyme to tyme, as oft as it shall please theym, duryng the terme afore expressid, withoute any sauf-conducte, licence, or sauvgard, and withoute any impedymment, arrest or greve, otherwyse then ys accordyng to his lawes, uppon the payne of forfecture of all that they maye forfaicte and their bodys at the Kingis will.

Et hoc, sub periculo incumbenti, nullatenus omittas.

2

[Treaty of Medina del Campo with Ferdinand and Isabella, "Spanish Cal," i 34 Negotiations for the marriage between Prince Arthur and Catherine had begun in March, 1488, when Arthur was 18 and Catherine 27 months old (*ibid.* Nos. 13, 14), a draft treaty was concluded on 7 July, 1488, which Ferdinand criticized severely (*ibid.* No. 22 His main object was to recover Roussillon and Cerdagne On 11 December T. Savage and Sir R. Nanfan were commissioned to treat in Spain; and a detailed report of their mission by Roger Machado is printed in Gardner's "Memorials," pp. 157-199 They were also commissioned to conclude a treaty with the King of Portugal and admit him to the Order of the Garter (*ibid.* xii. 351). The treaty with Portugal was concluded on 18 August, 1489 (*ibid.* xii. 378) The treaty with Spain was ratified by Ferdinand and Isabella on 28 March, the day after its conclusion, but Henry VII did not concede his ratification until 23 September, 1490 (Rymer, xii. 411-429), having insisted upon the inclusion of various additional articles (see "Spanish Cal," vol. i Nos. 54-6, 62-3, 72, 81).]

Medina del
Campo,
27 March,
1489

1. A true friendship and alliance shall be observed henceforth between Ferdinand and Isabella, their heirs and subjects, on the one part, and Henry, his heirs and subjects, on the other part. They promise to assist one another in defending their present and future¹ dominions against any enemy whatsoever.

¹ "And future" was finally omitted; see vol. i., p. 227.

The subjects of one of the contracting parties are ^{March, 1489.} allowed to travel, stay and carry on commerce in the dominions of the other contracting party, without general or special passport, and will be treated on the same footing as the citizens of the country in which they temporarily reside

The customs are to be reduced to what they were in time of peace thirty years ago.

2. Neither party shall in any way favour the rebels of the other party, nor permit them to be favoured or stay in his dominions

3. Mutual assistance to be given against all aggressors within three months after the assistance has been requested. The assisted party to pay the expenses, which are to be fixed by four knights, two from each side.

4. Henry is not permitted to assist Charles, King of France, or any other prince at war with Spain. Ferdinand and Isabella promise the same to Henry

5. Henry is not to conclude peace, alliance or treaties with France, without the sanction of Ferdinand and Isabella, who, on their side, bind themselves to the same effect with respect to Henry.

6. As often as and whenever Ferdinand and Isabella make war with France, Henry shall do the same, and conversely.

7. As Henry, however, has concluded a truce with France till the 17th of January next, he is not to call upon Spain, during this truce, to undertake a war with France. For the term of one year after the expiration of the said truce either party shall be at liberty to conclude a new truce with the King of France, but the other contracting party must be included in it. Should actual war, however, break out "this very day" between England and France, neither Henry nor Ferdinand and

March,
1489

Isabella shall conclude a truce without the express sanction of all parties to this treaty, except,—

8. In case the King of France voluntarily restore Normandy and Aquitaine to England, Henry shall be at liberty to conclude peace with him without the consent of Spain; or in case the King of France restore Roussillon and Cerdaña to Spain, then Ferdinand and Isabella shall be at liberty to make peace with him without the consent of England,¹ all other clauses of this treaty remaining in full force.

9. Either of the contracting parties shall include the other in all leagues, treaties etc, with other princes or republics.

10. The pope and the Kings of Naples and Portugal are excepted for this treaty. The King of the Romans shall be excepted as soon as he shall conclude an alliance with both contracting parties.

12. The Duchess of Brittany and her future husband are likewise excepted.

13. All letters of marque and reprisal are revoked. Any Spanish or English vessel sailing from a Spanish or English port is to give security for good behaviour at sea, to the amount of double the value of the vessel, its equipment and provisions. If during the voyage it causes damage to Spanish or English vessels, the injured party shall be indemnified from the said security. Should justice be denied, the King of the injured party must twice demand redress from the sovereign of the party which has done the damage before he deliver letters of marque and reprisal.

14. Infractions by the subjects of either of the contracting parties are not to dissolve the treaty.

15. In case a subject of one of the countries in question is injured by a subject of the other country, and

¹ This was actually done on 8 January, 1493; see below, No 5.

redress cannot be obtained, after it has been de-March,
manded by the government of the injured party, letters 1489.
of marque and reprisal may be issued.

16. The treaty is to be proclaimed within six months after its signature in all towns and seaports of Spain and England.

17. In order to strengthen this alliance the Princess Katharine is to marry Prince Arthur. The marriage is to be contracted *per verba de futuro* as soon as Katherine and Arthur attain the necessary age.

18. The marriage shall be contracted *per verba de præsenti* and consummated as soon as the Prince and the Princess attain the necessary age for it. Henry and Ferdinand and Isabella shall swear to employ all their influence with their children that the marriage be contracted as stipulated

19 The marriage portion is to be 200,000 scudos, each scudo in value 4s. 2d. sterling. One half to be paid when the Princess comes to England, and the other half within two years after.

20 De Puebla¹ states that it has been agreed between him, the Bishop of Exeter,² and the Lord Privy Seal³ that one fourth of the marriage portion shall be payable in ornaments, jewels etc belonging to the Princess. The English ambassadors, on the contrary, deny that such an arrangement has been made. The word of honour, and the oath, of the Bishop Exeter and the Lord Privy Seal are to be given on this question.

21. The dowry is to consist of a third part of the revenues of the duchies of Wales, Cornwall, and

¹ Ferdinand's ambassador in England.

² Richard Foxe.

³ John Gunthorpe, dean of Wells, who had been keeper of the Privy Seal under Richard III and retained that office until Foxe's appointment in 1490 (Campbell, "Materials," n. 158).

March,
1489

Chester, which is warranted to amount to not less than 25,000 or at least 23,000 crowns. In case the Princess become Queen of England, she is to enjoy a greater dowry, in the same way as other Queens have done before her.

22. Ferdinand and Isabella pledge all their goods and revenues, and all the goods and revenues of their subjects, for payment of the marriage portion

23. Henry pledges all his and his subjects' goods and revenues for the dowry

24. The right of succession to the crown of Castile and Aragon is reserved to the Princess Katharine.

25. Ferdinand and Isabella promise to send the Princess to England decently apparelled and provided with ornaments and jewels becoming her rank. Her marriage must take place within one month after her arrival in England.

26. The time when the Princess is to go to England shall be fixed hereafter ¹

3

[Charles VIII's ratification, 6 November, 1492, of the treaty concluded at Etaples on 2 November, Rymer's "Fœdera," xii 497. The misprints in Rymer's text of this document are endless, and some liberties have been taken with his paragraphing in order to render it a little more intelligible. While the truce concluded with France in January, 1487, lasted, Henry VII appointed commissioners to treat for peace on 11 December, 1488 (*ibid.* xii 347), and on the same day commissioners to treat with Anne, duchess of Brittany. An offensive and defensive league with Brittany was concluded on 10 February, 1489, and ratified by Henry on 1 April (*ibid.* xii 362). On 27 February, 1490, a fresh commission was appointed to treat with France (*ibid.* xii 449), and another on 19 June (*ibid.* xii 453). But on 16 July Daubeney was appointed commander

¹ It was fixed when she should be 14 by another treaty of 22 November, 1491, Rymer, xii 462

of the army against France and Lord Willoughby de Broke commander of the Fleet. On 8 October yet another commission to treat for peace was appointed, to which fresh powers were given on 17 February, 1491 (*ibid.* xii 431-6) On 12 June, 1492, a fresh commission was once more appointed (*ibid.* xii 481); but only Henry's expedition in October of that year precipitated peace on 3 November. A number of subsidiary agreements are printed in Rymier, xii. 505-13 The chief advantages Henry derived from the peace were the abandonment of Perkin Warbeck's cause by Charles, and the payment of 50,000 crowns annually by France: there are many documents in Rymier recording twice a year the receipt of 25,000 crowns]

Karolus, Dei gratia Francorum rex, universis præsentes ^{Étaples,} ^{3 Novem-} ^{ber, 1492}
 literas inspecturis salutem Cum inter ambassiatores & oratores nostros ad hoc specialiter commissos & ambassiatores & oratores carissimi fratris & consanguinei nostri regis Angliæ fuerint apud Stapulas die tertia mensis Novembris novissime præterita advisata, facta & conclusa pax, unio, seu amicitia inter nos & dictum fratrem & consanguineum nostrum, regna, patrias & subditos utriusque nostrum, modo & forma in litteris dictorum ambassiatorum nostriorum contentis, quarum tenor sequutui & est talis

Philippus de Crevecuer, dominus des Querdes & de Lannoy, marescallus Franciæ, locumtenens & capitaneus generalis domini nostri regis in suis partibus Arthesii & Picardiæ ac miles sui Ordinis, Ludovicus de Halewin dominus de Piennes, Franciscus de Crequy dominus de Dourier, Radulphus de Lannoy dominus de Morvilliers, milites consilarii & cambellani, Johannes Daussay consiliarius & magister requestarum hospitii, ambassiatores, procuratores, & commissi in hac parte serenissimi ac metuendissimi domini nostri supremi, Karoli, Dei gratia, Francorum Regis Christianissimi, omnibus & singulis præsentes literas inspecturis salutem.¹

¹ Compare "Letters and Papers," ii. 291

November,
1492.

Notum facimus quod, cum potiora mortalibus dona a Superis tradi nequeant quam bona pacis, & longo rerum usu ac ratione semper cognitum sit pacem esse summum illud præcipuum munus quod humano generi conducere queat, satisque compertum sit quot calamitates & ærumpnæ passim e bello exoriuntur, quot vero commoda pax certa & stabilis undique contulerit idcirco nos quantum fructus & utilitatis Franciæ & Angliæ regnorum incolis ex pace & amicitia antehac inter ipsorum reges principes imtis & contractis accreverit plene cognoscentes, nos pro dicto serenissimo principe nostro Francorum rege Christianissimo antedicto suisque hæredibus & successoribus, atque ejus & eorum nomine, auctoritate nobis ab eodem rege nostro per suas litteras patentes commissa, quarum tenor sequitur & est talis

“ Charles par la Grace de Dieu Roy de France a tous ceulx qui ces presentes lettres verront, salut. Comme, puis aucun temps enca, nous ayons donne charge a nostre ame & feal conseiller & chambellain le Sire des Querdes, chevalier de nostre Ordre mareschal de France nostre lieutenant & cappitaine general de noz paus de Picardie & Arthois, & autres en sa compagnie de tenir parolles & communiquer avecques le Sire d'Aubeny chevalier, lieutenant general pour nostre frere & cousin le Roy d'Angleterre & cappitaine de Calais, touchant le bien de paix, treues, intelligences & bonnes amitez d'entre nous & noz royaumes, paus, seigneuries, subgetz, tellement que de present les matieres & choses dessusdittes sont en estat & disposition de parvenir a bonne fin, et soit aïuse que pour a icelles donner ordre & prandre conclusion, soit requis & chose tres necessaire commectre & ordonner, avecques le dit mareschal des Querdes, aucuns bon grans & notables personnaiges entenduz es dittes matieres & aus quelz ayons toute

fiance. savoir faisons que Nous confians a plain des ^{November, 1492.} grans sens, souffisance, loyaulte, & bonne experience d'icellui nostre dit chambellan le mareschal des Querdes, & de noz amez & feaulx conseillers l'evesque de Noyon, le Sire de Piennes nostre chambellan ordinaire, Jehan de la Vacrye, chevalier premier president de nostre court de Parlement a Paris, le Sire de Dourmier, Maistre Robert Gaygoyn general ministre de l'Ordre de la Trinite des Maturins, les Sires de Morviller, Dubbyarre, de Foucquesolles, Maistre Jehan Daussay maistre de Requestes de nostre hostel.

"A iceulx, pour les causes dessusdittes & autres grandes raisons & considerations a ce nous mouvans & principalement pour eviter aux inconveniens & gran mauix, qui a cause de la guerre sont avenuz & pourroient avenir, aussi pour parvenir a toutes paix, treues, intelligences & bonnes amitez, au bien seurete & solaigement de noz bons & loyaulx subgetz, qui est une des choses de ce monde que plus desirons apres nostre salut, avons & aux cinq, quatre, ou trois d'eulx (dont icelluy mareschal des Querdes sera tousjours l'un) donne & donnons par ces presentes, signees de nostre main, plain pouvoir, auctorite, & mandement especial de eulx transporter en telle des villes de nos dites pans de Picardie & Arthois, ou ailleurs que besoing sera & ilz verront estre a faire, pour illec avec le dit Sire d'Aubeny & autres gens & ambassadeurs que nostre dit frere & cousin le Roy d'Angleterre y voudra envoyer & faire trouver de sa part, besonger, traccter, transiger, accorder, appoincter, & promettre sur les choses dessusdittes & les deppendances d'icelles, ce qu'ilz trouveront & congnoistront, en la meilleur & plus grande seurete que faire se pourra pour le mieulx au bien de nous & de nos ditz royaume, pais, seigneuries, & subgetz tout ainsi que ferions & faire pourrions si presens en nostre personne

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1492.

y estions, & de ce bailler leur lettres & scelez, aussi recouvrer telles de la part d'icelluy nostre frere & cousin le Roy d'Angleterre, comme il est accoustume de faire : promectans, de bonne foy, & parolle de roy, avoir ferme & estable a tousjours tout ce que par noz depputez dessusdiz y sera en fait, promis, accorde, & conclud par la maniere devantdicte, & accomplir le contenu de point en point, aussi d'ens bailler noz lettres de ratification & confirmation, telles qui besoing sera & en appartiendra, sans jamais aller ne venir, ne souffrir aller ne venir au contraire en maniere quelzconques : car ainsi nous plaist il estre fait En tesmoing de ca nous avons fait mettre nostre seel a ces dites presentes. Donne a Estampes le xxvi jour de Juillet l'an de grace mille quatre cens quatrevingz & douze & de nostre regne le neufiesme "

[Sic signatum sub plica CHARLES, et supra plicam, par le roy, monsieur le duc de Bourbon, les contes de Vendosme, de Liney,¹ les sires de la Trimouille, de Gye² mareschal de France, de la Ducourt gouverneur de Bourgoigne, de Myolans gouverneur du Dauphine, du Grymault seneschal de Beaucaire, de Saint Andre, des Cars,³ & autres present, & de secretaire Parent.]

Cum reverendo in Christo patre domino Ricardo Bathomien' & Wellen' episcopo ac custode privati sigilli, Ægidio d'Aubeney domino d'Aubeney milite & confratre Ordinis Garterii ac locumtenente generali villæ & marchiarum Calesiæ, Cristoforo Bisbick⁴ decano ecclesiæ Eboracensis magno eleemosynario, Henrico Aynsworth legum doctore, secundario in officio privati

¹ Ligny

² Gisé, Pierre de Rohan, sieur de , see Commynes, Bohn's ed., *passim*.

³ D'Escars.

⁴ See in Rymer : it should be Urswick, see " Dict. Nat. Biogr." s v Urswick, Christopher

sigilli, & Jacobo Tirell milite locumtenente castrî de Guysnes infra marchias prædictas, illustrissimi principis Anglorum regis ambassiatoribus & procuratoribus ad infrascripta per ipsius litteras patentes deputatis, quarum tenor sequitur in hæc verba. November, 1492

“Henricus, Dei gratia rex Angliæ & Franciæ & dominus Hiberniæ, omnibus ad quos presentes literæ pervenerint salutem Sciatis quod nos, de fidelitate, industria & provida circumspectione dilectorum nobis venerabilis in Christo patris R. Bathoniensis & Wellensis ecclesiarum episcopi ac custodis privati sigilli nostri, Ægidii d’Aubeney domini de Aubeney unius militum & confiatrum Ordinis nostri Garteri ac locumtenentis nostri generalis villæ & marchiarum nostrarum Calesiæ, Cristofori Bisbbyck [Urswick] decani ecclesiæ cathedralis Eborum magni eleemosinarii nostri, Henrici Aynsworth legum doctoris secundarii in officio privati sigilli nostri, & Jacobi Tyrell militis locumtenentis castrî nostri de Guysnes infra marchias prædictas, plenius confidentes,

“Ipsos nostros veros & indubitatos ambassiatores, oratores, procuratores, commissarios, ac nuncios generales & speciales assignavimus, fecimus, constituimus, & ordinavimus, assignamusque, facimus, constituimus, & ordinamus per præsentem, dantes & concedentes eisdem ambassiatoribus, oratoribus, procuratoribus, commissariis & nunciis plenam potestatem, auctoritatem ac mandatum generale & speciale, cum carissimo consanguineo nostro principe Karolo Franciæ, seu ejus ambassiatore, oratore, procuratore, commissario, aut nuncio, ambassiatoribus, oratoribus, procuratoribus, commissariis aut nuntiis sufficientem potestatem, auctoritatem & mandatum a præfato principe Karolo ad hoc habente vel habentibus, conveniendi, communicandi, tractandi, concordandi, componendi, paciscendi, transigendi, & appunctuandi, ac

November,
1492

plenarie & integre determinandi & finaliter concludendi, tam de & super pace perpetua quam de & super treugis seu guerrarum abstinentiis, & mercium intercursum, ac amicitia, confœderatione, & concordia inter nos, hæredes & successores nostros, regna & dominia nostra, necnon subditos, alligatos, confœderatos nostros, ac alios nobis faventes & adhærentes quoscumque, & dictum principem Karolum, hæredes & successores suos, atque loca & dominia sua, subditosque alligatos suos & sibi adhærentes; necnon de & super omnibus & singulis contentionibus, quæstionibus, guerris, causis, querelis, litibus, demandis, & debatis, una cum suis circumstantiis, emergentibus, dependentibus & annexis, quæ inter nos & præfatum principem, hæredes, successores, terras, dominia, subditos, alligatos, faventes, & adhærentes prædictos hincinde pendere noscuntur, integre & finaliter cognoscendi, ap- punctuandi, concludendi & determinandi,

Universaque & singula, quæ inter nos appunctuata, conventa, conclusa, concordata, pacta, sive transacta fuerint, per fidei interpositionem & juramenti in animam nostram præstationem, ac per alias vias & media, quæ eis in hac parte expedientia visa fuerint, roborandi & assecurandi necnon a præfato principe Karolo, ejusve ambassiatoribus, oratoribus, procuratoribus, commissariis, sive nunciis, sufficientem potestatem & auctoritatem a præfato principe Karolo in hac parte habentibus, quodcumque juramentum licitum, in animam ejusdem principis præstandum, nomine nostro exigendi & recipiendi; ac de & super omnibus & singulis præmissis & dependentibus ab eisdem omnes & omnimodas securitates, cautiones, obligationes, ac litteras sigillatas nomine nostro, hæredum & successorum nostrorum concedendi, faciendi, liberandi & tradendi; necnon & a præfato principe Karolo, ejusve ambassiatoribus, oratoribus, procuratoribus commissariis, aut nunciis similes cau-

tiones, obligationes ac litteras, prout eisdem ambassiatoribus, oratoribus, procuratoribus, commissariis, seu nunciis videbitur expedire, petendi, exigendi & recipiendi : November, 1492

“ Cæteraque omnia & singula in præmissis per eos conclusa, concordata & firmata, concludenda, concordanda & firmanda, perficiendi & pro parte nostra perimplendi ac debite exequendi, etiamsi majora sint & mandatum de sua natura magis exigant speciale, & quæ nosmetipsi facere possemus, si præsentibus personaliter essemus, in explicatione præmissorum, quæ omnia & singula præmissa eisdem modo & forma, ut præmittitur, gesta, talem tantamque vim, auctoritatem, & effectum volumus optinere, ac si ea in propria persona fecissemus, promittentes, bona fide & in verbo regio, nos ratum gratum & firmum perpetuo habituros totum quicquidque per dictos ambassiatores, oratores, procuratores, commissarios, sive nuncios actum, gestum, seu procuratum fuerit in præmissis seu aliquo præmissorum In cujus rei testimonium has litteras nostras fieri fecimus patentes. Teste meipso in exercitu meo prope Boloniam super mare, penultimo die Octobris anno regni nostri octavo ”

[In fine vero & inferiori parte dictarum litterarum erat scriptum. ‘ Per ipsum Regem ’ & de data prædicta ‘ auctoritate Parlamenti ’,¹ et signatum de Secretario, BLYTHD] -

Convenimus, contraximus, & conclusimus, & per præsentibus convenimus, contrahimus, & concludimus articulos sequentes.

¹ On 13 December, 1492, Charles VIII consented to a prorogation of the confirmation of the Treaty by Parliament (Rymer, xii 508), and Parliament did not meet to confirm the treaty until October, 1495 (see below, No 7)

² Apparently John Blythe who had been appointed master of the rolls in May, 1492, and was made bishop of Salisbury in 1494.

November,
1492

Imprimis, quod bonæ, sinceræ, firmæ & perfectæ sint, & inviolabiliter habeantur & observentur pax, amicitia, & fœdera inter potentissimos Franciæ & Angliæ reges antedictos, eorundem patrias & dominia sua quæcunque, hæredes & successores, vassallos, atque subditos suos præsentis & futuros, ac quoscunque alligatos & confœderatos utriusque eorum, qui in ista pace comprehendì voluerint & se comprehendì velle infra tempora & sub forma inferius limitata declaraverint, necnon inter illustrissima Franciæ & Angliæ regna, per terram, mare, portus maris, & aquas dulces; & quod dictæ amicitia, pax & fœdera suum habeant effectum immediate post datam præsentium & durent vita utriusque principum prædictorum durante, & alterius eorum diutius viventis, & per annum integrum post obitum ultimo ipsorum morientium, Ita tamen quod successor regis præmorientis dictam amicitiam & pacem infra annum a die obitus sui prædecessoris tenebitur per suas litteras magno suo sigillo sigillatas hanc amicitiam ratificare & confirmare, dictamque ratificationem & confirmationem regi superstiti notificare, transmittere & deliberare.

Item, quod, durante termino prædicto, bella, guerræ, hostilitates & inimicitia quæcunque, inter præfatos Franciæ & Angliæ reges eorundemque, ut supra fertur, hæredes & successores, vassallos et subditos, & confœderatos quoscunque qui in præsentì tractatu, ut præmittitur, comprehendì voluerint, necnon inter dicta inclitissima regna, patrias & dominia sua quæcunque ubicunque locorum, per terram, mare, littora maris & aquas dulces omnino cessabunt.

Item, quod omnes & singuli utriusque dictorum principum, eorumque hæredum & successorum, aut eorum alterius, ipsorumque alligatorum in hac pace comprehensorum vassalli & subditi, sive sint principes, archiepiscopi, episcopi, duces, marchiones, comites,

barones, mercatores, aut cujusvis status conditionisve ^{November, 1492} existant, durante pace antedicta, ubivis locorum sese mutuis officiis prosequantur, & honesta affectione pertractent, possintque libere, tute, & secure absque alicujus offensa, aut salvo conductu, sive licentia, ubique perlustrare per terram, per mare, & aquas dulces navigare, hincindeque ad portus, dominia, districtus quoscunque utriusque ipsorum principum, suorumque hæredum & successorum citra & ultra mare accedere (dum tamen numerum armatorum centum simul non excedant) eisque quamdiu voluerint morari, mercari, merces, mercimonia, arma & jocalia quæcunque, si statuta municipalia antehac sancita non obstant, emere & vendere ac ut eis placuerit illinc ad partes proprias, vel alibi, libere quotiens duxerint abeundum abire, cum suis aut conductis vel commodatis navigis, plaustis, vehiculis, equis, armaturis, mercimonis, sarcinulis, bonis, & rebus suis quibuscunque, absque ullo impedimento, offensa, arrestatione ob causam marcæ, contramarcæ, represaliarum, aut alia districtione quacunque, tam in terra, quam in mari, & aquis dulcibus, quemadmodum patris in propriis hæc omnia facerent, aut eis ea facere liceret

Item, quod omnia munera sive onera ab aliquo dictorum principum, in cujusvis eorum patriarum sive dominiorum partibus citra aut infra triginta annos ante datam præsentium imposita mercatoribus & subditis alterius principis ejusve hæredum & successorum nociva, durante hac pace penitus sint extincta, & quod talia aut consimilia, hac amicitia durante, a modo non imponantur, salvis tamen semper quoad alia omnibus regionum, urbium & locorum legibus, statutis, & consuetudinibus, quibus nihil quoad eorum jura per præmissa derogatum censeatur

Item, quod omnes mercatores etsi Veneti, Florentini, sive Januenses sint, possint per mare & aquas dulces,

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armati vel non armati, cum suis propriis mercibus, aut alienis, in navibus, caracis, aut galays propriis sive alienis, in regna Franciæ & Angliæ & eorum utrumque, tute, libere, & secure venire, & ab hinc quo velint abire, durante amicitia antedicta, quodocunque & quotienscunque voluerint, absque violentia, disturbio, molestia aut gravamine quocunque per dictos Franciæ & Angliæ reges, sive eorum aliquem, aut eorumdem hæredes & successores, sive ipsorum aut alicujus eorum subditos quoscunque.

Item, dicti ambassiatores & commissarii Franciæ & Angliæ principum prædictorum, pro principibus suis, & nominibus eorum ac hæredum & successorum suorum, promiserunt quod, durante tempore prædicto, neuter dictorum principum, nullusque eorum hæredum aut successorum, contra alium ejusve alligatos & confœderatos prædictos, eorumve hæredes & successores, quidquam aget, faciet, tractabit vel attemptabit quocunque in loco, sive in terra, sive in mari, occasione quacunque, nullumque præstabit auxilium consilium vel assensum, quod per alium vel alios aliquid fiat, agatur, tractetur, vel attemptetur in præjudicium vel dampnum alterius, ejusve, ut prædictum est, alligatorum & confœderatorum : et si per alterum eorum secus fiat, aut aliqua belli suspitio contra alterum, ejusve ut prædictum est alligatos & confœderatos, præbeatur, princeps sic in contrarium aliquid attemptans, vel belli suspensionem inferens, super hoc admonitus & requisitus, illico illam belli suspensionem auferet, & incontinenti amovebit.

Item, quod termini ac limites terræ seu marchiarum Calesiæ de obedientia regis Angliæ in confinio comitatum Boloniæ & Guyennarum ponentur & reducentur, ac manutenebuntur, ut [h]actenus fuerunt & erant ante descensum ipsius regis in Calesia, et castella seu fortilitia quæ capta & substracta fuerunt a regis Franciæ

obedientia, a die quo ipse rex Angliæ applicuit Calesiæ, ^{November, 1492.} utpote Ardre, la Montare, Lysques, Fyennes, Ostinghes, & huius similia, quæ per ipsum regem Angliæ, suos commissarios, aut confœderatos, qui sibi in hac expeditione adhæserunt, detinentur & occupantur, reponentur in eo statu quo nunc sunt, una cum subditis dictorum locorum, in obedientia regis Franciæ, pari modo & forma ut erant ante dictum descensum. et si hi qui dicta castella detinent, desisterent huic articulo parere, rex Franciæ, ejusve locumtenens, poterit eos ad hoc vi & potentia armorum compellere. et detinentibus dicta castella non dabit rex Angliæ auxilium, subsidium aut favorem, quinymo¹ non poterunt ut confœderati comprehendi in isto tractatu, nisi dictis castellis & fortalitus primitus reductis in pristino statu, quo erant ante descensum dicti regis Angliæ. Præterea, si aliqui dictorum locorum subditi fuerint capti inermes & extra exercitum guerræ per subditos regis Angliæ, deliberabuntur & in pristinam libertatem absque finantia & redemptione reponentur et ibidem fiet de subditis terræ Calesiæ, quæ vulganter Anghcana nominatur

Item, quod deinceps in villa Calesiæ, castellis de Hames & Guysnes, aut in aliquibus portubus aliisve locis quibuscunque sub obedientia regis Angliæ, sive citra sive ultra mare existentibus, non recipiantur, manuteneantur aut favorisentur aliqui armigeri aut gentes armorum, quæcunque latrocinia, deprædationes, furta, excursus, piratias, aut malefacta contra effectum præsentis tractatus per terram mare & aquas dulces super & contra subditos præfati regis Franciæ, aut eorum bona facientes & exercientes: & pari eodemque modo in villis Boloniæ, Ardre, Montorre, Fyennes, Aria & Mornia, aut in aliquibus portubus, aliisve locis quibuscunque sub obedientia regis Franciæ existentibus, nullatenus reci-

¹ Qui immo?

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plantur, manuteneantur, aut favorisentur aliqui armigeri aut gentes armorum quæcunque latrocinia, deprædationes, furta, excursus, piratias, aut malefacta contra effectum præsentis tractatus per terram, mare, aut aquas dulces super & contra subditos præfati principis Angliæ aut eorum bona facientes & exercientes, et in casu quo secus fiat, uterque prædictorum principum eorumve amicitie conservatores, causa summarie & de plano sine figura iudicii cognita, pro parte sua & quatenus per se aut subditos suos aliquid fuerit in contrarium attemptatum, plenam, integram, & promptam faciet seu facient iustitiam restitutionem & reparationem.

Item, si per huiusmodi armigeros aut gentes armorum præter seu contra præmissa aliqui prisonarii fuerint captivati, gentes arrestatæ, aut bona quæcunque capta, & causa huius captionis & arrestationis propter rationabilem aliquam causam non possit tam summarie discuti & terminari, tunc in isto casu primo & ante omnia per conservatores subscriptos, eorumve commissarios, aut locorum iudices, procedetur ad huiusmodi prisonariorum, & arrestatorum, & bonorum captorum deliberationem, & recredentionem seu restitutionem, præstita tamen sufficienti cautione standi arbitrio præfatorum conservatorum, commissariorum & iudicum

Item, quod ex neutrius principum prædictorum cancellaria aut alia curia in posterum concedantur aliquæ litteræ represaliarum, marcæ, & contramarcæ, nisi super & contra principales delinquentes, & eorum bona, eorumve fautores, vel in casu manifestæ denegationis iustitiæ, de qua per litteras summationis aut requisitionis & prout de jure requiritur sufficienter constabit.

Item, quod, si durantibus pace & amicitis præfatis aliquid contra vires & effectus eorundem per terram, mare, aut aquas dulces per aliquem ipsorum principum, eorundemve hæredum & successorum, vel eorundem

subditos, vassallos, subditos, alligatos, aut eorum alligat-
torum hæredes aut successores in hiis amicitiiis compre-
hensorum, subditos vel vassallos fuerit attemptatum,
actum, aut gestum, nichilominus tamen hæc pax sive
amicitia in suis viribus, durante termino prædicto, per-
manebit, & pro ipsis attemptatis solummodo pugnientur
ipsi attemptantes & dampnificantes, & non alii.

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Item, quod in præsentî tractatu pacis & amicitiae com-
prehenduntur alligati & confœderati utriusque partis
subsequenter nominati (videlicet) pro parte Christian-
issimi regis Franciæ, Sacra Majestas Imperialis, cum
Electoibus Imperii, serenissimi principes reges Castellæ,
Arragonum, Scotiæ, Ungariæ & Bohemiæ, Neapolis,
Scotiæ, Portugaliæ & Navariæ, potentissimique principes
dux & tota domus Baviaræ, duces Sabaudiar, Mediolaneni,
Lotharingæ, Gheldriæ, dux dominium & communitas
Leodiensium, communitates Florentinorum, Geneven-
tium, Ligæ novæ & antiquæ Suetentium¹ & Confœdera-
torum, et alii quicunque quos ipse rex Franciæ in suis
litteris præsentis tractatus confirmatoris nominare
voluerit.

Ac pro parte illustrissimi regis Angliæ, sacratissimus
princeps Maximilianus Romanorum rex, ejusque filius
dominus Philippus archidux Austriæ, eorundemque
hæredes & successores, reges Hispaniæ, Portugaliæ,
Neapolis & Daciæ, duces Calabriæ & Ferrariæ & societas
& communitas Hansse Teutonicæ & alii quicunque, quos
ipse rex Angliæ in suis litteris præsentis tractatus con-
firmatoris nominare voluerit

Qui quidem alligati & confœderati prædicti (videlicet)
præfati rex Romanorum, ejusque filius dominus Philip-
pus archidux Austriæ, infra quatuor & reliqui infra
duodecim menses datam præsentis tractatus proxime
& immediate sequentes per literas magno sigillo suo

¹ The Swiss Confederacy

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sigillatas principi eos comprehendenti, si per eum velint comprehendī, declarabunt & significabunt; idemque princeps alteri principi infra dictos quatuor menses quoad regem Romanorum & dominum archiducem ejus filium, & quoad reliquos infra duodecim menses per litteras suas magno sigillo suo sigillatas, præfatis litteris dictæ comprehensionis declaratoris annexas, eandem declarationem notificabit, priusque quam dicta notificatio & certificatio, ut præmittitur, facta fuerit, dicti nominati pro comprehensis nullatenus censebuntur

Item, & si dictus rex Romanorum, ejusve filius dominus archidux prædictus, pro se, hæredibus & successoribus suis atque patris inodo, tempore, & forma prædictis declaraverint se velle in præsentī tractatu comprehendī, & postmodum præfatus rex Franciæ, ejusve hæredes, aut successores, contra eos vel eorum alterum, per captionem alicujus villæ nunc sub obedientia eorum vel alterius eorum existentis, bellum movere, vel cum exercitu seu potentia armorum eorundem vel eorum alterius patrias terras, vel dominia intraverit, tunc & in isto casu bene licebit præfato regi Angliæ, ejusque hæredibus & successoribus, præfato domino regi Romanorum, ejusque filio domino archiduci, eorum hæredibus & successoribus succurrere & subvenire, præsentī tractatu non obstante, sed in suo robore nichilominus manente et si præfatus rex Romanorum, vel ejus filius dominus archidux prædictus aut aliquis alius nomine eorum, vel hæredum aut successorum suorum, per captionem alicujus villæ nunc sub obedientia prælati regis Franciæ existentis, eidem regi Franciæ ejusve hæredibus aut successoribus bellum moveret, vel cum exercitu, seu potentia armorum, patrias sub obedientiæ sua nunc existentes intraverit; tunc & in isto casu nec licebit præfato principi Angliæ eosdem juvare gentibus armorum vel pecunia.

Item, si per subditos vel adhærentes præfati regis Romanorum aut domini archiducis ejus filii prædicti, eorumve hæredum aut successorum, contra jura, patrias aut subditos præfati regis Franciæ modo hostili, aut via facti aliquid fiat aut attemptetur quod in dampnum & præjudicium eorundem principis aut subditorum cedere possit, & præfatus dominus rex Romanorum, ejusve filius dominus archidux prædictus, eorundemve locumtenentes aut officarii, pro iustitia, & reparatione super hoc faciendis debite submoniti & requisiti, justitiam & reparationem infra unum mensem, ipsam submonitionem proxime sequentem, facere denegaverint vel neglexerint; tunc & in isto casu præfatus rex Franciæ, ejusve locumtenens, sive commissarius, præfato mense elapso, sua auctoritate & per viam facti ad reparationem hujusmodi faciendam procedere poterit, absque eo quod propter hoc præsens pax seu amicitia in aliquo rumpatur & violetur.

Item, quod omnes & singuli habitatores, incolæ, & subditi civitatis, villarum & ballivatum de Tornaco & Tornesio, Montagne, de Sancto Amando, tanquam subditi regni sunt nominatim & expresse in præsentis tractatu comprehensi.

Item, quod pro firmitate & inviolabili prædictarum pacis, amicitia & fœderum observantia & confirmatione, electi & nominati sunt ex parte ipsius Christianissimi regis Franciæ conservatores subsequeutes.

Primo (viz.) pro patria & ducatu Normaniæ, potentissimus princeps dominus dux Aurelianensis; pro patria Linguae Occitanæ¹ & aliis partibus regni, in quibus non erunt nominati conservatores, potentissimus princeps dominus dux de Borbonio; pro patria & ducatu de Guyenne dominus comes d'Angoulesme; pro patria & ducatu Britanniæ dominus princeps de Oregia²; pro par-

¹ Languedoc.

² Orange

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tibus Arthesii & Picardiæ ipse dominus des Querdes, pro patria, ducatu & comitatu Bourgondiæ dominus de Baudrecourt; & pro partibus maritimis dominus de Graville Admirallus Franciæ; salvo mari Aquitano, in cujus districtu dictus princeps de Auregia erit conservator. Poteruntque conservatores supranominati in patris & locis sibi ordinatis delegare & deputare commissarios sub se, et si aliqui ex prænominatis conservatoribus ab hac luce decederint, successores eorum in statu gubernatoris seu locumtenentis patriarum in quibus commituntur habebuntur quoad hanc conservatoriam [potestatem?] loco dictorum decedentium

Et pro parte dicti serenissimi principis Angliæ præclarissimus avunculus suus, illustrissimus dux de Betford, cancellarius, thesaurarius & admirallus Angliæ, deputati Quinque Portuum, custos privati sigilli & locumtenens dicti regis Calesiæ pro tempore existentes.

Qui quidem conservatores dictorum principum, ac utriusque eorum, & duo aut unus ipsorum, ex parte saltem principis subditorum dampnificantium, qui super hoc requiretur vel requirentur, habeat seu habeant auctoritatem & potestatem, virtute hujus contractus, ipsos dampnificantes coram se vocandi, conveniendi & examinandi. et ipsos sic examinatos, secundum quod justitia exigerit & requiret, convincendi & pugnendi attemptata & dampna contra vires hujus tractatus illata, una cum expensis dampnificantium reficiendi & reparandi. Et si contingat ipsos conservatores, per dictos principes sic ut præmittitur nominatos, vel commissarios super reformatione aliquorum dictorum attemptatorum fore discordes, & inter eos super inde concordare non valentes; quod eo ipso & extunc causa illa referatur consilio principis subditorum sic dampnificantium aut, si opus sit, utriusque principis; dum tamen dicta causa, si vis coram conservatoribus aut unius vel utriusque principis

consilio ventilanda, summarie & de plano coram eis ^{November, 1482.} examinetur, & felici marte¹ terminetur. Et dictorum conservatorum pro utraque parte sententiæ interlocutoriæ & diffinitivæ, præcepta & decreta, incontinente & indilate dabuntur executioni, non obstantibus appellationibus quibuscunque

Item, communicatum & conclusum est quod præfatus illustrissimus princeps rex Angliæ dictam amicitiam sic inter eum, ejusque hæredes & successores, & illustrissimum regem Franciæ atque ipsius hæredes & successores, ut præmittitur, contractam, atque omnia & singula capitula prædicta in huius litteris contenta, per suas litteras patentes, suo magno sigillo sigillatas, manuque propria subscriptas, & juramento vallatas, ratificabit & confirmabit, ipsamque amicitiam & dicta capitula, sic per eum ratificata, confirmata, & jurata, per tres status regni Angliæ (videlicet) per prælatos & clerum, nobiles, & communitates ejusdem regni, rite & debite convocatos, infra duodecim menses proximos post datam præsentium ratificari & confirmari faciet.

Et peræque serenissimus & Christianissimus rex Franciæ amicitiam & capitula antedicta, per suas litteras patentes, suo magno sigillo sigillatas, manuque propria subscriptas, & juramento vallatas, ratificabit & confirmabit, ipsamque amicitiam & capitula sic per eum ratificata, confirmata, & jurata, per tres status regni sui Franciæ (videlicet) per prælatos & clerum, nobiles, & civitates ejusdem regni, rite & debite convocatos, infra dictos duodecim menses ratificari & confirmari faciet; quodque uterque principum prædictorum prædictam amicitiam, & omnia capitula antedicta, per Sedem Apostolicam & auctoritatem ejusdem, infra sex menses, dictos duodecim menses proxime sequentes, confirmari,

¹ / Mente This seems more probable than the hypothesis that 'felici Marte' means 'by the fortune of judicial combat'.

November, vallari, & roborari pro viribus procurabit, & cum effectu
1492. faciet.

Et insuper, uterque principum prædictorum infra terminum supradictum instanter & cum effectu requirit sacrosanctam Sedem Apostolicam, & summum pontificem, quod ferat sententiam excommunicationis nunc pro tunc, & tunc pro nunc, in eum ex prædictis duobus principibus, qui omnia & singula capitula, in præsentì tractatu contenta, quatenus ipsum concernunt, non observaverit, præter & ultra sententiam interdicti, in ejus regnum, patrias, terras & dominia, non obstante aliquo privilegio in genere vel in specie, illis aut eorum alicui, sub quacunque verborum serie concessio, cui dicti principes palam, publice & expresse renunciant, & nos nominibus eorundem, sufficienti auctoritate in hac parte nobis attributa, renunciamus expresse in his scriptis.

Insuper, nos, serenissimi & Christianissimi domini nostri regis Franciæ ambassiatores & commissarii antedicti, promittimus & eundem dominum nostrum supremum regem Christianissimum, potestate ut præmittitur ab ipso nobis commissa, obligamus per præsentès, quod idem dominus noster Franciæ rex omnia & singula præmissa ratificabit, auctorisabit, & confirmabit, eaque realiter & cum effectu pro parte sua exequetur, & faciet quæ præmissorum tenor exiget & requirit, suasque litteras patentes, subinde debite confectas, magno suo sigillo munitas, illustrissimo principi confratri & consanguineo suo carissimo, Angliæ regi supradicto, cum ad hoc debite requisitus fuerit, deliberabit, deliberative faciet.

In quorum omnium & singulorum testimonium & approbationem nos, ambassiatores Franciæ supranominati, præsentès litteras, signis nostris manualibus subsignatas, sigillo nostri domini des Querdes pro nobis omnibus muniri fecimus Datum apud Stapulas supra

Mare, tertia die Novembris, anno Domini millesimo quadringentesimo nonagesimo secundo. November,
1492

Sic Signatum

P de Crevecver,
L de Hallewin,
F de Crequy,
R. de Lannoy,
J. Dassay.

Notum facimus, quod nos appunctuamenta & capitula prædicta ac omnia & singula in eis contenta & specificata rata habentes & grata, ea pro nobis, hæredibus & successoribus nostris, quantum ad nos & ipsos attinet, acceptavimus, ratificavimus, & confirmavimus, ac per præsentem acceptamus, ratificamus & confirmamus. In cuius^a ^{missi} testimonium huius litteris patentibus, nostro nomⁱni^{is} subsignatis, fecimus apponi sigillum nostrum magnum Datum Montils prope Turon die sexta mensis Novembris, anno Domini millesimo quadringentesimo nonagesimo secundo & regni nostri decimo.

CHARLES.

Sub magno sigillo regis Franciæ de cera alba, pendente a cauda pergaminae

4

[Henry VII to Lord Dynham, treasurer of England, and Sir Reginald Bray, chancellor of the Duchy of Lancaster, Ellis's "Original Letters," 2nd Ser. Vol. 1. p 167. The letter has no year date, but this mission of Poynings and Warham took place in 1493. The interest of the letter lies in its details about ambassadorial remuneration.]

Right trusty and welbeloved, and trusty and wel-beloved, We grete you wel. And in asmoche as we have appointed our ful trusty servants Sir Edward Ponynys and Doctor Wilham Warham our Counseillors,

Kent-
worth,
5 July,
1493

July, 1493. to goo on oure Ambassad to oure cousin th' Archeduc of Burgoine, it behoveth theym to have for their costs : and therfor We have appointed, for the said Sir Edward, thre pound by the day whiles he shall be absent, the rekenyng of the day whiles to begyne at his departing out of oure Citie of London to the seeward ; and to have in hand and redy money for thirty dayes, which amounteth to the some of foure score and ten poundes sterlings. And the said Doctor William, twenty shillings by the day after the same rekenyng, and to have for thritty dayes thritty poundes in hand. And soo in caas they be languer in our Ambassad then xxx dayes, that then they have their allowances and payments after the rate of the dayes and sommes abovesaid Understanding of the same Doctor Warham *where¹ the money is, that was appointed for hym when he shal^d have goon unto our said Cousin, and did not . and theruppon to deale with hym as the caas shall require* But howe soever ye doo, see ye that they be despatched accordingly as it is abovesaid, and that without taryng or delay , as our very trust is in you Yeven undre oure Signet at oure Castel of Kenelworth the vth day of July.

5.

[Abstract of the treaty of Ferdinand and Isabella with Charles VIII of France, concluded at Narbonne, 8 January, 1493, "Spanish Cal.," i 78; compare *ibid* Nos 90, 94]

Narbonne,
8 January,
1493

1. The old alliances between Spain and France are renewed.

2. Ferdinand and Isabella bind themselves to assist the King of France against all his enemies, without exception, and in particular against the English, who are old foes of the French, and the King of the Romans and the Archduke Philip, as long as they shall be at war with the

¹ Italics by Sir Henry Ellis, to emphasize Henry VII's economy.

said King Charles, who, on his part, promises to succour Spain in a similar way. January, 1493.

3. Ferdinand and Isabella engage their royal word and faith as Christians not to conclude, or permit to be concluded, any marriage of their children with any member of the royal family of England, or of the King of the Romans, or in general with any enemy of France, without previously obtaining the express permission and consent of the King of France.

4. Charles VIII restores the counties of Roussillon and Cerdaña to King Ferdinand.

6

[Henry's instructions to "Richemont, Roy d'armes de Clarenceaux" sent on a mission to Charles VIII of France, "Letters and Papers," II. 292-6. Soncino called Richmond "a sage man who saw everything" (above Vol. I p. 158). His name was Roger Machado (see "Dict. Nat. Biogr., xxxv. 104"), he was Richmond herald from 1485, and on 24 January, 1494, was made Clarenceux king of arms. Some of his journals are printed in Gardner's "Memorials"]

Après, luy¹ dira comme le Roy² a sceu et entendu par ledict escuier, que naguaires [sont] arrivez devers son dict frere et cousin ses ambassadeurs, l'archevesque de Rains et [le sieur] de la Tremouille, lesquelz il avoyt [envoyez] en ambassade devers le roy des Ro[mains], et luy ont dit et rapporte le vouloir et desir que ledict roy des Romains a de ayd[er] et favourizer celluy qui se nomme Plantagenet, et estre filz du feu roy Edo[uard] et quil est delibere de luy ayder de gens, de faveur, et de ce quil pourra. Et a [ceste] intencion est alle en Flandres avec bonne puissance. Dont ledict frere et

Sheen,
10 August,
1494

¹ Charles VIII

² Henry VII

August,
1494.

cousin du roy la bien voullu advertir, pour y pourveoir, et sen prendre garde.

Disant oultre, que icelluy son frere et cousin, pour monstrer au Roy lamour quil [luy] porte, comme il luy a este aydant a conquerir le royaume d'Angleterre,¹ luy voudroit ayder et favourizer a le garder et defendre . . . Offrant comme son bon frere, que non obstant larmee quil a fait par [mer et] par terre, pour lemprinse du royaume de Napples,² quil luy aydera et favo[urisera] volentiers pour la conservacion dudit royaume d'Angleterre et . . . que le roy se puisse ayder des navires de Bretagne, Normandie . . . en les payant raysonnablement [The next two paragraphs are badly mutilated]

Dont et des bons advisemens, et avec les honnourables offres que ledict frere [et cousin] du Roy luy fait en ceste partie, mesmement des injonctions donnees a ses gens [et] officiers, le Roy len remercie le plus trescordialement que faire peult, et ne [les] refuse pas, mais les accepte, combien que le roy nentent point, veu que la ma[tiere] dudit garson est de sy petite estime et valeur, de mettre en paine ne travail l[es] subgetz de sondict frere et cousin, ne de luy donner cest ennuy pour ceste affaire.

Et au regart dicelluy garson le Roy ne fait estime nulle de luy parce que se nest que une abuson . . . manifeste et evidente, pareille a lautre que la duchesse douagere de Bour[goigne] fist quant elle envoya Martin Souart en Angleterre Et est notoirement . . . que ledict garson nest daucune consanguinite ou parente audict feu roy Edoua[rd], mais est natif de la ville de Tournay, et filz dung bateller, lequel sappell

¹ See vol 1 pp 3, 83

² Charles VIII invaded Italy in August, 1494, Communes, Bk vii. cap. vi.

. Werbec, comme de ce le Roy est doument acer-
 teinie, tant par ceulx qui ont . . . sa vie et gouverne-
 ment, que par aucuns autres ses compaignons. . . Et
 est le Roy bien sceur que ledict [roy] des Romains et les
 gens de façon de pardela congnoissent bien ladicte
 abusion [et ?] que ce quil en fait est pour le desplaisir quil
 a prins, et prent, du traicte et app[oinctement] que le
 Roy a fait avecque sondict frere et cousin

August,
1494.

Encoires luy dira comme le Roy a sceu par ledict
 escuier les droitz et tiltres que sondict frere et cousin
 pretend ou royaume de Napples, et la forme et maniere
 de lenvoy et conduite de larmee quil a envoye, tant par
 mer que par ter[re] oudict royaume de Napples
 Laquelle il semble au Roy, en son oppinion estre bien et
 prudemment ordonnee et conduite, actendu les intel-
 ligences qui[l] dit avoir es Ytalles

Dont, et de ce quil a pleu a icelluy son frere et cousin
 si familierement ladvertir de la disposicion de ses
 affaires, et de ses dites entreprises et intelligences, sen
 tien[t] tres fort atenu a luy, et len remercy Neantmoins
 le Roy voudroit volent[iers], tant en consideracion de
 la proxinite de sang et lnaige, qui est entre sondict
 fre[re] et cousin et luy, que aussi pour la fraternite qui
 est entre luy et le dict roy de Napples, lequel a receu son
 ordre de la Jarretiere, quil se peust trouver quelque
 bon traicte et apppointement entre eux, et en especeal
 pour eviter leffusion du sang humain, lonneur et droit
 dicelluy son bon frere et cousin garde en ceste Et
 semble au Roy, quil seroit trop eureulx, sil pavoit estre
 moyen de pacif[ier] le different, a quoy se employroit
 de tres bon cuer, ayant congnoyssance du vouloir, plaisir
 et entencion de sondict frere et cousin sur ce, et non
 autrement.

Et pour ce que le Roy desire pareillement que son dict
 frere et cousin soit advert[y] de ses nouvelles, luy dira

August,
1494

que, graces a Dieu, le roy est en bonne sante et prosper-
[ite] de sa personne, et le royaume en bonne et paisible
obeissance, autant quil a][amais] este en memoire
d'homme. Ce voyant le Roy, et quil est en bonne paix,
trans[quillite] et union, aussi bien en son dict royaume
que partout ailleurs, a ceste cause . . . a conclu et de-
libere de mectre ordre en son pais d'Irlande, assavoir sur
ceux[lx] qui sappellent Irlandois sauvaiges, affin quilz
puissent desormais vivre [en bonne] police et justice,
comme font ceulx de sondict royaume et les autres
Irlando[is de la] langue Angloisse Et a ceste intencion
il envoie une bonne et suffisan[te armee] accompa-
gnee de bons et gians personnages, tant pour la guerre
que [pour la] justice Et de ce faire est tres instante-
ment supplie et requis par les n[otables] gens deglise,
grans seigneurs et autres gens destat dudict pais, qui
scav[ent parler] ladicte langue Angloysse Lesquels sont
en aussi bonne obeissance [quils nont este] on temps de
nul autre prince Et a ceste fin sont venuz devers
de Duvelin, troys ou quatre autres evesques, le conte dei
Kildare [et quelques] autres seigneurs et gens destat
dicelluy pais.

7.

[An Act of Parliament confirming the Treaty of Etaples, 2 Henry
VII, c. 65, "Statutes of the Realm," ii 635. "Rot Parl," vi
507]

October-
December,
1495.

Rex universis etc salutem Cum in federum pacis
et amicitiarum capitulis inter nostros ac illustrissimi
principis fratris et consanguinei nostri carissimi Regis
Karoli Franciæ ambassiatores oratores procuratores
commissarios et nuncios pro nobis et ipso fratre
consanguineoque nostro carissimo atque regnis patris
dominus et subditis ac vasallis utriusque nostrum, die

PEACE CONFIRMED BY PARLIAMENT 31

tercia mensis Novembris anno Domini millesimo quad-^{October-}
ringentesimo nonagesimo secundo, apud Stapulas supra^{December,}
Mare conventis initis percussis et conclusis, atque sexto¹⁴⁹⁵
die ejusdem mensis Novembris extunc proximo sequendo
per nos, et sexto die mensis Decembris extunc proximo
sequendo per dictum consanguineum nostrum, juratis,
necnon dicto sexto die Novembris nostris ac suis litteris
patentibus confirmatorius nostrorum nominibus propriis
utriusque nostrum manibus subscripcione superinde
munitis et roboratis, fuerit inter cetera conventum
concordatum et conclusum, quod nos dictusque consan-
guineus noster infra duodecim menses extunc proximo
sequendo, omnia predicta federum pacis et amicitiarum
capitula sic per nos et eundem consanguineum nostrum
confirmata jurata ac patentibus utriusque nostrum
litteris subscripcionibusque et sigillis ut prefert munita
et roborata, per tres status utriusque regnorum Angliæ
et Franciæ rite debiteque convocatos, videlicet per
Prelatos et Clerum Nobiles et Communitatem eorundem
regnorum auctoritate Parliamentorum nostrorum ratifi-
cari approbari et confirmari faceremus, prout in ipsis
litteris plenius apparere poterit, Cumque postea nos et
dictus frater ac consanguineus noster carissimus
animadvertentes quod hujusmodi trium statuum utrius-
que regni convocacio et congregacio infra predictos duode-
cim menses ob certas causas et consideraciones obstantes
commode fieri non potuerint, ipsum terminum absque
aliqua innovacione derogacione seu dissolucione cujusvis
alterius federum pacis et amicitiarum capituli in prefatis
litteris contenti, sed ipsis capitulis et eorum quolibet in
suis robore vigoreque nichilominus mansuris, mutuo
nostro assensu pariter et consensu usque ad proximas
hujusmodi trium statuum congregaciones quas nos et
ipse consanguineus noster ob alia nostra et sua, regno-
rumve nostrorum aut suorum, negocia, statueremus

October-
December,
1495

seu fieri ordinaremus, prolongavimus distulimus atque prorogavimus, Ita tamen quod hujusmodi trium statuum utriusque predictorum regnorum congregacio infra triennium tunc proximo sequendum fieret, prout in litteris patentibus nostris et ipsius fratris ac consanguinei nostri super hujusmodi prorogacione confectis plenius liquet et continetur: Nos predicta capitula dicatorum federum pacis et amicitiarum necnon omnia et singula convenciones appunctuamenta et conclusiones inter ipsum fratrem et consanguineum nostrum ut promittitur inita et confirmata, quantum in nobis fuerit et ad nos attinet, observare perimplere ac inviolabiliter prout in prefatis litteris specificantur tenere volentes, de avisamento assensu et consensu Dominorum tam spiritualium quam temporalium et Communitatis hujus regni nostri Angliæ in presenti Parlamento nostro existencium et auctoritate ejusdem Parliamenti, duximus approbanda ratificanda et confirmanda; quarum quidem litterarum tenor sequitur & est talis

Henricus etc Nos autem litteras predictas ac omnia et singula capitula convenciones pacciones appunctuamenta juramenta obligationes omniaque alia in eisdem litteris contenta et specificata, pro nobis et heredibus nostris quantum in nobis est, auctoritate presentis Parliamenti nostri quarto decimo die Octobris jam proximo preterito apud Westm' inchoati et tunc tenti, de avisamento et assensu Dominorum spiritualium et temporalium ac Communitatis regni nostri Angliæ in eodem parlamento existencium, acceptamus approbamus necnon tenore presencium ratificamus et confirmamus, ipsaque capitula pacciones convenciones appunctuamenta juramenta omniaque alia in eisdem litteris contenta et specificata per tres status regni nostri, rite et debite convocatos, videlicet per Prelatos et Clerum Nobiles et Communitates ejusdem regni acceptari approbari ratificari et confirmari fecimus

8.

[Abstract of the treaty between Henry VII and the princes of the Holy League, "Spanish Cal." i. 146 Henry's ratification, dated Windsor, 23 September, 1496, is printed in full in Rymer, xii. 628 See also above, Vol. i. Nos. 85, 95-6]

Henry VII declares his entry into the league concluded at Venice on the 31st of March 1495 The old ^{St Peter's, Rome, 18 July, 1496} treaty remains unaltered in all respects, as far as the old members of the league are concerned. Henry is, however, exempted from the clauses of the treaty which oblige the confederate Princes to succour one another with a fixed number of soldiers, or a fixed sum of money. He is likewise exempted from the obligation of keeping an army always ready to repel attacks on the members of the league. But, in all other respects, he has the same rights and duties as the other confederates.

9

[Isabella of Castile to De Puebla, "Spanish Cal." i. 158]

Approves of the manner in which he carries on his ^{12 September, 1496.} business in England, especially so far as the entry of Henry into the league is concerned Has received letters from Rome stating that Henry has become a member of the league, but does not yet know the conditions The entry of the King into the league must be proclaimed in England without loss of time, but the conditions kept secret, as they are probably not favourable.

Has received a letter from Henry concerning the marriage of the Princess Katharine with the Prince of Wales. Is pleased that Henry so much desires the conclusion of that marriage. Has a high opinion of him as a "Prince of great virtue, firmness, and constancy". Loves him very much, and hopes that after

Septem-
ber, 1496.

the marriage of their children a much more intimate friendship will take place between them than between any other princes. The marriage and alliance are to be concluded at the same time, and on the following conditions :

The marriage treaty agreed upon with the English ambassadors at Medina del Campo must be renewed, but with the following additions and alterations :—

1. The fourth part of the marriage portion must be payable in ornaments etc. of the Princess.

2. The scudo, which was calculated at 4s. 2d, must be calculated at no more than 350 maravedis ¹

3. The conclusion of the marriage must be kept most secret, in order that the King of Scotland may not hear of it.

4. The time when the marriage is to be contracted *per verba de futuro* is to be postponed

5. The Princess must be at liberty to bring 150 persons with her, who are to remain in England

The *treaty of alliance* must also, in all clauses, be conformable to the treaty of Medina del Campo, except that the clause concerning the King of France must be left out. It is not necessary to mention the King of France at all in this treaty. The clause respecting the Duchess of Brittany has likewise become obsolete

The King of the Romans, the Archduke, and the members of the league must be excepted.

The clause respecting Spanish commerce in England must be altered. If Henry cannot be persuaded to take off the extra burdens from the Spanish merchants, it must be stipulated in a separate instrument before a

¹ On p. 83 of the "Spanish Calendar" Ferdinand and Isabella state that the crown is worth only 328 maravedis in Spain, but allow Puebla to reckon it at 350 maravedis if Henry would not take less.

public notary, that it shall not be regarded as an infringement of this treaty if English merchants and merchandize in Spain should be obliged to pay as high customs as Spaniards pay in England. The conclusion of the treaties must not, however, be delayed on account of this difference. September, 1496.

Since Henry declares it to be utterly impossible for him to begin war with France, he is to be no further pressed on that subject. But he must assist Spanish vessels at sea. De Puebla must bide his time, and by degrees obtain further advantages from Henry. The more preparations for war are made in England, the greater will be the offers which the King of France will make to Henry. If war between England and France should be declared, Henry will force the King of France to accept his conditions.

Thinks that a marriage of the son of Henry with the daughter of the Duke of Bourbon would be a misfortune. The English would not like a French woman, and the French would not keep their promises.

Intends nothing else in Scotland but to separate the King of Scots from France, and to render good service to Henry. Henry must marry one of his daughters to the King of Scots.

Is very sorry that the King of the Romans should cause so much trouble to Henry. He has some friends of the Princess Margaret¹ about his person, but their designs will be frustrated. If Henry wish something more to be done by him in this matter he must say so.

The Archduchess (Juana) sailed from Laredo on the 22d of August. The admiral who commands her fleet, and who is to bring back the Princess (Margaret of

¹ The Dowager Duchess of Burgundy.

Septem-
ber, 1496.

Austria),¹ has orders to request the assistance of England in case of need.

The Archduchess (Juana) goes to Flanders with the best intentions of favouring the interests of Henry. Besides the instructions given to her, she has a particular reason for doing so, as she has been brought up in company with her sister, who is to be married in England, and likes to live in friendship with her. Henry VII has henceforth a daughter in Flanders.

The King of France knows it, and has made great preparations to intercept the Archduchess. It is expected that Henry will do all in his power to prevent the execution of this design.

Has had no news of the Archduchess since she sailed. If he hear anything about her, he must write directly by an express courier.

Does not think it advisable to ask the Pope to declare the marriage between Katharine and Arthur binding from the beginning, because the King of Scots would hear something of it. After ten or twelve months the Pope might be asked to make such a declaration.

10

[Henry's receipt acknowledging the payment of a half-yearly instalment of the French pension, Rymer, xii. 652. Similar receipts are printed, *ibid.* xii. 527, 549, 569, 575, 623, 630, 683. On 14 July, 1498, Louis XII acknowledged his obligation to pay the residue of the 745,000 crowns promised by Charles VIII, *ibid.* xii. 686: and his payments are recorded on pp. 700, 712, 732, 753, 769, xiii. 34, 116, 232.]

4 May,
1497

Rex universis & singulis ad quos præsentes literæ pervenerint, salutem. Sciatis nos recipisse & habuisse die confectionis præsentium, ab illustrissimo carissi-

¹ Maximilian's daughter, who was to marry the Infante Don Juan of Spain (d. 1497) and afterwards Philibert of Savoy.

moque fratre & consanguineo nostro Karolo Gallorum ^{May, 1497.} Principe, per manus [] apud villam nostram Calesii, viginti & quinque millia francorum in coronis auri (unoquoque franco viginti solidos Turonenses, & unaquaque corona triginta & quinque solidos Turonenses, valentibus) nobis primo die mensis Maii, anno Domini millesimo quadringentesimo nonagesimo septimo, solvi debitorum, quæ erat nonus terminus pro parte solutionis summæ septingentarum quadraginta & quinque millium coronarum auri, æstimationis prædictæ, per ipsum fratrem & consanguineum nostrum vel hæredes suos nobis vel hæredibus nostris solvendæ, prout in literis dicti fratris & consanguinei nostri superinde confectis, quarum data est apud Stapulas supra Mare, die tertia mensis Novembris, anno Domini millesimo quadringentesimo nonagesimo secundo, plenius continetur

De quibus quidem viginti & quinque millibus francorum in coronis auri & æstimationis prædictæ fatemur nobis fideliter esse solutum, & eundem fratrem & consanguineum nostrum hæredesque suos superinde fore quietos & exinde plene exoneratos

11.

[Bishop Foxe's instructions for negotiating with James IV, "Letters and Papers," i. 104-9. A three years' truce had been signed between England and Scotland on 3 July, 1486 (Rymer, xii. 285), and on 7 November, 1487, the first negotiation for a marriage treaty was initiated (*ibid.* xii. 327), the suggestion being a marriage between Prince James and one of Edward IV's daughters (*ibid.* p. 328). A commission to treat for mercantile intercourse followed on 5 May, 1488, and on 9 January, 1492, a truce was concluded to last till 21 December, 1496. James IV only ratified it till 29 November, 1492, but on 3 November he prolonged it till 30 April, 1494, and on 25 June, 1493, to 30 April, 1501, for which Henry paid him 1000 marks (*ibid.* 547-8.) On 23 June, 1495, the first commission was appointed to negotiate the marriage between James IV and Margaret (*ibid.*

pp. 572, 635), but on 20 November, 1495, Perkin Warbeck arrived at Stirling, and the Scots twice invaded England in his interests.]

5 July,
1497

Instruccions geven by us to the right reverend father in God the Bissshop of Duresme, keper of [our] pryveseall, for thappesying of suche questions and debates as resteth bytwixt us and our cosyn the kyng of Scottes

First, wher dyvers offres wer made by therle of Aunguyssh and the lord Home in a treatie late had at Jenyn Haugh, it is thought unto us and our counsaill that thos offres in no wise suffiseth to the conservacion of our honour, nor yet for anny convenyent recompence for suche damages as hath ben doon unto us and our subjectes by our seid cousyn¹. And therefore ye shal demaunde and requyre on our behalfe of our seid cousyn to make delyvere unto us of Perkyn Werbek, the which delyveraunce of hym we desire not for anny estimacion that we take of hym, but by cause our seid cousyn reseived hym within his londe and favorably hath entreacted hym and dyvers others of our rebelles duryng the peace concluded by twix us both, and over that, havying hym in his company, entied in puyssaunce within our lande²; the whiche was the cause and grounde of the breache of the seid peace. And lesse therefore may we not doo with our honour then to have the delyveraunce of hym, thought the delyveraunce or havying of hym is of no price nor value. Howe so be it, for the good will and effeccion that we bere unto our seid cousyn we shalbe contented to take such a peace and intelligence with hym as shalbe thought reasonable to ours and his comysshionars, so that he do make delyveraunce unto of us the said Perkyn, and also do send unto us a solemne ambassate, as was spoken of in the said

¹ See above, Vol. I Nos 99-101, 104, 107, 113

² Sept. 1496.

treacte had at Jenyn Haugh. And wher as it was July, 1497. spoken in the same treacte that our seid cousyn shuld send unto us suche persons in ambassate, and at suche tymes and places as we wold assigne and lymytte, we shalbe contented that he send unto us in ambassate, incontynently and without delay, at suche place within this our realme wher we shalbe atte tyme of their commyng, the reverend father in God the bisshop of Murray, therle of Aungussh, and the lorde Home his chambrelayn, with suche other as it shal please our seid cousyn to send

Item, if our seid cousyn wil not be agreable to the delyveraunce of the seid Perkyn unto us, as is before rehersed, the whiche as we thynke, sith he is not the parson that he surmysed to be when he opteyned his salveconduct of our seid cousyn (as it is wel known thurgh all thes parties of the worlde) he myghte with his honour and without his damage wel doo, and so sattsifie our mynde for our honour on that behalf; yet we, havynge consideracion to the lovyng mynde of our seid cousyn in the tyme of the rebellion of dyvers of our subjectes, as it is shewed unto us, atte reverence of Almyghty God, and in evytyng theffusion of Christen blode, havynge in our remembraunce the ryghnes of blode by twix us and our seid cousyn, be content to take an other way for the peace by twix us, though non other coude be to us so acceptable nor so wele sattsifie our mynde and honour That is to say, that it may like our seid cousyn turst to sende his solemne ambassate unto us, as is before rehersed; and also the same our cousyn to come in person unto our town of New Castell, and further within this our realme; wher we may mete, comen and conclude with hym for thob-servyng of the saide peace, and of further intelligince to be taken by twix us and hym, be it by way of aliaunce

July, 1497. or other wise ; and also for the due ordryng and refourmyng of suche debates and attemptates as shalmow . . . growe in tyme comyng by twixt our both [subjec]tes, the which can not so brevely and assure[dly be] ordred and concluded by ours and his c[ommissione]rs as sholde mowe be by ourselfes beyng [present in] persons. And over that, glad wold we [be to com]me so ferre to see our seid cousyn, [trusting by the] meane therof that more fast love [and affeccion] thould growe [by twix us, and over that suche] conclusion shuld be taken as shuld be to the pleasour of God, the honour and wele of us both, [our] realmes and subjectes. Accordyng it is to noblesse and also kyndenesse that anny too princes so nyghe [of] blode and so nygh inhabited to guyder as our seid cousyn and we be, shuld have by mutuall communicacion a more quayntaunce and a faster benyvolence than is yet by twixt us and our seid cousyn. And for the sure comyng, abydyng and retournyng of the same our cousyn at his pleasour and libertie, ye shal offre on our behalfe suche surety and pleages as shalbe thought unto hym, his counseill and to you resonable and behoveful ; the which we shal in every thyng do and observe

Item over this it is thought [to us] and our counsail, that if we shuld take a peace with our seid cousyn, that he shuldbe bounde to thobservyng of the same and also to thaccomplisshyng and perfourmyng of suche articles as wer communed and treated at Jenyn Haugh, not only by his letter and great seall and solemne othe, but also uppon payn of the censuris of the Holy Cherche and in an obligation of Nisi, to theuent that uppon a light enformacion or suggestion like breche as hath ben of late tyme had shuld not ensue. And we shalbe contented for oure parte to be bounde undre our lettre and greate seall, and, rather then to faile, to be sworn uppon

the Holy Evangelistes for the due observing on our July, 1497. behalf of the seid peace.

Hit is not to be mervailed of this our desire though ther be thought therein any inequalite; for the breche of the peace last concluded bytwixt us grewe not, nor yet was doon by us. And also our seid cousyn shuld by force of the seid articles treated at Jenyn Haugh sende unto us his ambassate and revoke the seid salve-conduct, and forpryce any aide to be gevyn to the seid Perkyn and his adherentes, accordyng to the said communication and treatie, the which resteth only by our seid cousyn to be perfourmed.

Item, moreover it is thought to us and our consail that we may not with our honour take peace with our seid cousyn, as is before rehersed, without that he do make such a convenyent recompence as shalbe thought to the commissioners of us bothe, unto our subjectes for the damages that thei had by the throwyng doon of their castelles and fortilaces atte tyme of his furst beyng within this our lande, havyng then with hym the seid Perkyn and others our rebelles as is before rehersed.

Item over and besides al thes premysses it is behoveful and necessary that in case we shal take peace with our seid cousyn under such modificacions and lymytacions as beth before written, that then uppon the conclusion of the same our seid cousyn shuld fourth with ley plegges unto us, they to abide aboute us, or in any other place within our obbeisance as shalbe thought good to the comyssioners of bothe parties, men of good estate and condicion as two eyles or their sonnes and heires, or two barones or their sonnes and heirs, thei so to remayne til the seid ambassate come unto us and other thynges concernyng the seid Perkyn Werbek be perfourmed and accomplisshed, as is be fore rehersed. And howe so be it that it is thought unto dyvers discrete

July, 1497. and wise men of our consail that considering the greate preparacions that we have made, as wel by lande as water, and conveyng of our artillery and vitall, and other preparacions that we have made for the exploite of thes warres in Scottlond to our inestimable charges and costes, we shuld not mowe with our honour so lightly for the perfourmyng and accomplysshyng of the seid premysses, the which ben of smal importance, condescend to a peace with our seid cousyn, yet we atte reverence of our Lorde, and in evytyng of theffusion of Christen blode, and in trust of an assured fiendlyhod to be had by twix us bothe, and in especiall considering the natural inclynacion, affeccion and good wil that he, as ye have written, berith and specially bare unto us in the tyme of the forsaid rebellion, be contented, thes premysses by ours and his comyssonars thoroughly assured to be observed and perfourmed as is above rehersed, to take a peace with hym and thereuppon ye to revoke our arnee now beyng uppon the sea. And we shal in lyke wise restreign our armye by londe and all other hostylite

Nowe have we shewed unto you our [hole] mynde and pleasure in thes maters. And if the[re] shal growe anny occasion unto . . . to wr[ite] . . .] lones unto us theruppon ye shal mowe se . . . [the conclusion of the document has been destroyed by mutilation].

12.

[Raimondo de Soncino to the Duke of Milan, "Milanese Cal," i. 339-40]

London,
18 Decem-
ber, 1497.

. . . In my opinion inasmuch as this prince is most prudent, and also adorned with every good quality, he deserves a kingdom of men devoted to the crown, in which case, although he is by nature most pacific, I am certain that he would devote his attention to glorious

affairs, and would not suffer the French to boast with impunity of having so disgracefully suborned this imaginary enemy¹ against him for so long. But the English are more restless than any people of Italy, *quamvis in campo et freno maxille eorum constrictæ sunt*. For this reason the affairs of Scotland are more formidable to the kingdom than they would otherwise be; and although the peace has been made, yet the king there is no more than twenty-six years of age and very spirited, and the Scots, who have nothing to lose, are always willing for a war with England. In addition to this there is a French ambassador constantly in Scotland for no good end, from what the Scottish ambassador told me, and although being at peace with his neighbours, he² has no one to fear, yet a war might cause mischief more quickly at home than abroad, although there is no one else of the royal blood to be seen either at home or abroad. Accordingly, it seems to me that he thinks he has done enough in pacifying the kingdom, and this treasure of his, which every one supposes to be very great, he has accumulated because he has no one whom he can trust, except the paid men at arms, and I do not think that he will ever spend it outside the kingdom.

The Spanish ambassador, a man much after this king's heart, sometimes throws out a hint that his sovereign might do something if he were assisted with money, but I have never heard a suggestion of this from the king or from his English. If he had to achieve similar results by money, he would need a well of it, because everything costs incomparably more in this kingdom than in any other place, and one cannot spend even for the very smallest thing less than a penny, fifty-two of

¹ Scotland, or Perkin ?

² Henry VII

December,
1497

which go to the ducat. I understand that when his Majesty crossed to Picardy the passages alone cost 30*l* sterling, and a footman, at the very lowest reckoning, cost 8*d* a day, and although the English are a warlike race, and feared by the French, yet they require every comfort even in the ardour of war

Then again this king being most wise, is suspicious of everything, and pretends that in the past he has been taken in, and that others have made peace and benefited their own affairs by leaning on his shoulders. I fully believe that he is a prince to observe *ad unguem* whatever he promises, but *hoc opus, hic labor est*, and I fancy he will always wish to have peace with France, though I think if he saw her up to the neck in the water, he would put his foot on her head to drown her, but not otherwise. There is nothing fresh in this kingdom, and I do not believe there will be while this sovereign lives.

13.

[Treaty of alliance between England and Spain, Rymer, xii 746

The war in Italy between France and Spain, and Henry VII's entry into the Holy League had tended to revive Ferdinand and Isabella's desire for a closer connexion with England (see above, Nos 8, 9). A fresh treaty for the marriage, concluded on 1 October, 1496, was confirmed by Henry VII on 18 July, 1497 (Rymer, xii 658). It was only, however, after a good deal of bickering, not merely between England and Spain, but between different Spanish envoys in England (see above, Vol 1., Nos 132, 134) that a form of marriage *per verba de presenti* was arranged on 19 May, 1499 (see above, i 140). The treaty of alliance was concluded at London on 10 July following, and confirmed by Ferdinand and Isabella at Seville on 20 January, 1500. Perkin had been executed on 23 November, 1499, and the Earl of Warwick on the 28th. The news must have reached Seville before 20 January, though not Puebla's sanguinary exultation (see i, No. 145). Henry's ratification of this treaty is dated Canterbury, 5 May, 1500 (Rymer, xii. 751)]

Ferdinandus & Elizabetha, Dei gratia rex & regina ^{London, 10 July, 1499.}
 Castellæ, Legionis, Aragonum, Siciliæ, Granatæ, Toleti, Valentiniæ, Galleciæ, Majoricarum, Hispalis, Sardinia, Cordubæ, Corsicæ, Murcia, Giennis, Algarbii, Algezira, Gibraltaris, & insularum Canaria, comes & comitissa Barchinonæ, domini Vizcayæ & Molinæ, duces Athenarum & Neopatriæ, comites Rossilionis & Ceritanæ, Marchiones Oristan & Gociani, benevolentiam, amicitiam, & unanimem Christianorum principum concordiam compertum habemus non ipsis tantum principibus & eis qui eorum imperio subditi sunt, verum etiam toti reipublicæ Christianæ utilem fuisse. et e contra, ex hac quemadmodum neccessitudine mutuoque amore multa undique beneficia suboriuntur, sic, si discordes & bono nequaquam animo inter se vixerint, multa inde incommoda, & plurima passim dampna subsequuntur

Et quoniam omnes religionis nostræ sanctissimæ principes elaborare tenemur non ut subditi tantum nostri quiete agant, verum ut in tota religione Christiana eadem pro publico bono quies paxque servetur, longeque magis hoc tempore id emi conarique debemus, in quo Turcarum princeps, sanctissimæ fidei inimicus, arma ad eam evertendam a tota Asia & Græcia concitavit; & quoniam nostra serenissimique Enrici Angliæ regis fratris nostri carissimi neccessitudo & amicitia huic rei prodesse plurimum potest, superiorum etiam temporum memoriam recolendo, in quibus summa inter reges majores nostros nosque ac eundem serenissimum regem & antecessores suos Angliæ reges amicitia intercessit; optantes nimirum ut ipsa majus indies incrementum nanciscatur, præcipue cum illustrissimi Arthuri Walie Principis, filii sui primogeniti & hæredis, conjugium cum illustrissime Catherina Principe Walie Infante Castellæ & Aragonum filia nostra carissima, ad hoc idem proseguendum nos jure naturaque devinciat,

July 1499. Haec omnia animadvertentes & magna præterea merita, summas virtutes, & ingens quod in præfato serenissimo rege Angliæ fratre nostro carissimo ornamentum viget, libentissimo animo ad confirmandum, corroborandum quicquid ad commune bonum nostre ipsiusque amicitiae augendæ incrementum ceptum est,

Igitur, universis & singulis præsentibus litteras inspecturis notum facimus quod, cum nuper inter nos, per Rodericum Gundisalvi de Puebla jurisconsultum, consiliarium, oratorem & procuratorem nostrum, nomine nostro & in vim mandati seu procurationis a nobis eidem concessæ, pro nobis ac illustrissimo principe Michæl Principe Castellæ Aragonum & Portugaliæ nepote & legitimo hærede nostro, aliisque hæredibus & successoribus ac regnis dominis & subditis nostris, parte ex una, & prædictum serenissimum Henricum Angliæ regem fratrem nostrum, per reverendum in Christo patrem Thomam Londoniensem episcopum consiliarium & deputatum suum, ejus nomine, vigore mandati seu procurationis ab eodem serenissimo rege Angliæ eidem episcopo Londoniensi concessæ, pro eo ac illustrissimo Arthuro Principe Walliæ ejus filio primogenito & legitimo hærede, eorumque hæredibus & successoribus Angliæ regibus, regnis, dominis & subditis suis, parte ex altera, fuerint inita, concordata, firmata, & jurata amicitia, concordia, liga, unio, confœderatio, & pax, sub forma & capitulis sequentibus.

Cum serenissimos celebris memoriæ principes ac unitatem pacis suas vires exhibuisse noscamus, principumque officium exigat omnino pacem tueri ad dissipandam & infringendam hostium fortitudinem & eorum vires tollendas, ut status principum tranquille conserventur, nullum aptius remedium videtur quam orthodoxos principes vires suas unire, pacem ac concordiam perpetuo fœdere, vinculo caritatis, inter sese connectere: cum

humanis rebus nihil perniciosius bello aut discordia esse July, 1499 possit, nec quicquam salubrius pace; inhærentes doctrinis sacræ legis, quibus pacis unio cunctis regibus ac fidelibus populis commendatur, Domino mandante 'habete salutem in vobis & pacem habete inter vos,'

Hus itaque omnibus pacem suadentibus accedit sanguinis necessitudo & propinquitas, quæ inter serenissimum & invictissimum principem Henricum Septimum Angliæ Franciæque regem & dominum Hiberniæ ac illustrissimos & potentissimos principes Ferdinandum & Elizabetham regem & reginam Castellæ & Legionis, Aragonum, Siciliæ Granatæ etc., supremos dominos nostros, necnon gloriosissima matrimonialis conjunctio, que nuper inter illustrissimum dominum Arthurum Principem Waliæ, ducem Cornubiæ, & comitem Cestriæ primogenitum præfati serenissimi regis Angliæ & Franciæ, & excellentissimam dominam Katerinam filiam præfatorum regis & reginæ Hispaniarum feliciter emer-
serit.

Quocirca cum, ad statuum prædictorum principum conservationem tutius securiusque retinendam, præfati principes ad certas pacis condiciones inclinati, eorum oratores & commissarii superinde statuerunt;¹ videlicet, pro parte serenissimi regis Angliæ & Franciæ reverendus in Christo pater dominus Thomas Londoniensis episcopus, et pro parte dominorum regis & reginæ Hispaniarum honorandus dominus Doctor de Puebla, auctoritate sufficienti in hac parte eis commissa, (cujus quidem auctoritatis tenores in certis instrumentis, super dicto contractu matrimoniali confectis, & eisdem insertis, plene continetur) post multa ultro citroque tractata & diu communicata, tandem in hos articulos sequentes condescenderunt, & super eosdem convenerunt concordarunt, & concluderunt, prout sequitur: videlicet,

¹ The sentence as printed in Rymer is ungrammatical

July, 1499. Imprimis, tractatum, concordatum & conclusum est quod inter præfatum serenissimum principem Henricum Septimum Angliæ Franciæque regem, dominum Hiberniæ, illustrissimumque dominum Arthurum Walliæ principem ejus primogenitum filium & hæredem eorumque hæredes & successores ex parte una, & serenissimos principes Ferdinandum & Elizabetham Castellæ, Legionis, Aragonum, Siciliæ, Granatæ, etc. regem & reginam, illustrissimumque principem Michælem eorundem nepotem & legitimum hæredem eorumque hæredes & successores ex parte altera, eorum regna, dominia, patrias, & loca quæcumque impræsentiarum per eos possessa, necnon & eorum vassallos, homines & subditos tam ecclesiasticos quam seculares, cujuscumque status, gradus, seu conditionis fuerint, tam per terram quam per mare & aquas dulces ac ubique locorum, ab hac die de cætero, bona, realis, sincera, vera, integra, perfecta, firma amicitia, concordia, liga, unio, confœderatio, & pax firma atque perpetua sit habitura, & pro futuris perpetuis temporibus inconcusse & inviolabiliter custodita & conservata, ita quod partes prædictæ (videlicet) præfatus serenissimus rex Angliæ & Franciæ, & antedicti illustrissimi domini Hispaniarum rex & regina, principesque prædicti sui hæredes eorumque successores, sint veri, fideles, & perpetui amici concordēs, alligati, uniti & confœderati ad conservandum seipsos & eorum alterum & suos prædictos hæredes in suis statibus, regnis, & dominiis, per eos, ut prædictum est, impræsentiarum possessis, & ad defensionem illorum contra omnes homines mundi, absque aliqua exceptione seu reservatione, ita quod quicumque princeps vel alius qui regna, terras, dominia, seu loca præfatorum dominorum regum hæredum & successorum, ut prædicatur, per terram vel mare vel quovis modo offendere vel invadere moliantur, pro viribus suis illum vel illos refrænabunt, impediunt & pro suo posse resistant ac

defendent, necnon ipsi principes præfati eorumque hæredes, ut prædicitur, adinvicem se juvabunt quancumque & quotienscumque opus fuerit auxilio cum omni sua possibilitate, bona fide, & absque dolo sive aliqua fraude, secundum ordinem infra sequentem.

Item, conventum & conclusum est quod neuter præfatorum principum præstabit auxilium, consilium, vel favorem inimicis alterius partis invadere volentibus; sed præfatus illustrissimus rex Angliæ & Franciæ & prædicti domini rex & regina Hispaniarum hæredes & successores sui contra omnes principes vel alios quoscumque, absque aliqua exceptione seu reservatione nominata vel innominata, qui terras, regna, dominia, & loca ipsorum quæ nunc possident impugnare vel invadere nitantur vel moliantur, seu guerram aut bellum facere aut movere super his præsumpserint, adinvicem se adjuvabunt, & quod hujusmodi juvamen, succursus, & auxilium fiat & præstetur infra spatium duorum mensium a tempore requisitionis, expensis tamen principis interpellantis & requrentis; quod auxilium, succursus, juvamen & adiutorum facere seu agere teneantur bona fide & effectualiter sicut facerent in suis propriis negotiis; videlicet,

Quod si contingat præfatum serenissimum regem Angliæ suosque hæredes & successores prædictos hominibus armatis equestribus vel pedestribus, aut sagittariis vel navibus armatis, aut aliis auxiliis bellicis imposterum indigere, ac pro & super eisdem subsidium a dictis dominis rege & regina Hispaniæ eorumque hæredibus & successoribus prædictis, & super hujusmodi indigentiam per literas vel nuncios suficientes requisierint, in tali casu dominus rex & domina regina Hispaniarum eorumque hæredes & successores, bona fide absque difficultate aliqua, juxta hujusmodi requestam facere seu agere teneantur, ad eum numerum armigerorum & sagittariorum, ac navium armatarum, seu aliorum

July, 1499. auxiliorum bellicosorum quem, rerum ac temporum opportunitate propriaque necessitate consideratis, præstare possunt & poterunt, sumptibus tamen stipendiis & expensis rationabilibus præfati domini regis Angliæ hæredum & successorum suorum, quæ expensæ & stipendia taxabuntur & moderabuntur, habito respectu ad forum victualium quod in partibus tunc temporis contigerit secundum loci & temporis ubertatem aut sterilitatem, qui armigeri & sagitari, ac naves armatæ, seu alia auxilia bellica regis & reginæ Hispaniarum debite & fideliter præfato regi Angliæ & suis hæredibus atque successoribus in ipsorum guerris circa præmissa inservient per terram & per mare, secundum mentem & voluntatem præfati domini regis Angliæ hæredum & successorum suorum quamdiu duxerint eos retinendos,

Et, pari modo, si contingat præfatos dominos regem & reginam Hispaniarum eorumque hæredes & successores prædictos hominibus armatis equestribus vel pedestribus, aut sagittariis vel navibus armatis, aut aliis auxiliis bellicis imposterum indigere, ac pro & super eisdem subsidium a dicto domino rege Angliæ, ejusve hæredibus & successoribus prædictis, & super hujusmodi indigentiam per literas vel nuncios sufficienter requisierent, in tali casu dominus rex Angliæ, ejusve hæredes & successores bona fide absque difficultate aliqua juxta hujusmodi requestam facere seu agere teneatur ac teneantur ad eum numerum armigerorum & sagittariorum naviumque armatarum, seu aliorum auxiliorum bellicosorum, quem, rerum aut temporum oportunitate propriaque necessitate consideratis, præstare possit, poterit, & poterint, sumptibus tamen stipendiis & expensis rationabilibus præfatorum dominorum regis & reginæ Hispaniarum hæredum & successorum suorum, quæ expensæ & stipendia taxabuntur & moderabuntur, habito respectu ad forum victualium, quod in partibus

tunc temporis contigerit, secundum loci & temporis July, 1499. ubertatem aut sterilitatem, qui armigeri & sagittarii ac naves armatæ & alia auxilia bellica domini regis Angliæ debite & fidehiter præfatis dominis regi & reginæ Hispaniarum & eorum hæredibus & successoribus, in ipsorum guerris, circa præmissa inservient, per terram & per mare, secundum mentem & voluntatem præfatorum dominorum regis & reginæ Hispaniarum hæredum & successorum suorum quamdiu duxerint eos retinendos.

Item conventum, concordatum & conclusum est quod, in omnibus aliis causis & negotiis non tangentibus hanc amicitiam, nec derogantibus illi seu alicui articulo ejus, per præfatum dominum Angliæ regem & dominos Hispaniarum regem & reginam excipiuntur seu reservantur summus dominus noster maximus pontifex & serenissimi domini Maximilianus & Ludovicus Romanorum Gallorumque reges, & illustrissimus dux Philippus archidux Austriæ tali modo quod per istam exceptionem & reservationem non videatur nec intelligatur præjudicium aliquod huic præsentis amicitiae fieri, set quod in omnibus in hac prædicta amicitia hic contentis seu specificatis firma & integra ac validissima semper maneat, tanquam si non fuissent excepti & reservati prænominati sanctissimus dominus noster & Romanorum & Gallorum & archidux Austriæ principes, quia, ut dictum est, hæc exceptio seu reservatio intelligitur in aliis causis & negotiis non tangentibus hanc amicitiam nec illi in parte aliqua derogantibus

Item, concordatum & conclusum est quod prædicti vassalli, homines & subditi præfatorum principum, tam mercatores quam cæteri alii hinc inde, tute libere absque alicujus licentia salvive conductus generalis vel specialis petitione vel impetratione, in & ad præfatorum dominorum utriusque principum eorumque hæredum & successorum portus, dominia, castra, civitates, fortalitia,

July, 1499. oppida, jurisdictiones & districtus quoscumque, cum suis conductis vel accommodatis navibus, plaustis, vehiculis, equis, armaturis, mercibus, ac mercimoniis, bonis & rebus quibuscumque, tam per terram quam per mare & aquas dulces atque omnem locum, quotienscumque & quodcumque id faciendum esse duxerint, navigare, equitare, ire & discedere in eisdem, quamdiu voluerint, omnis generis merces & mercimonia emere & vendere, mercari negotiari, morari, atque perhenninare, necnon ab eisdem cum suis rebus, mercibus, & mercimoniis, & bonis quibuscumque salvi & securi per terram mare & aquas dulces abire & recedere, & in omnibus & ubique ita juste & honeste tractabuntur, ac si essent originarii & subditi proprii, juribus, statutis, & consuetudinibus locorum in omnibus semper salvis

Item, concordatum & conclusum est quod prædicti rex Angliæ ejusque filius primogenitus & hæres eorumve hæredes & successores antedicti præfatorum regis & reginæ Hispaniarum eorumque prædictorum hæredum & successorum rebellibus quibuscumque præsentibus & futuris contra præfatos dominos regem & reginam Hispaniarum, eorumve hæredes & successores, per terram, mare & aquas dulces, ex causa vel occasione quacumque præsentis vel futura, consilium, auxilium vel favorem, publice vel occulte, directe vel indirecte, non dabunt nec præstabunt, aut alias quovis modo juvabunt, nec subditos prædictorum regis & reginæ Hispaniarum suorumve successorum prædictorum rebelles in suis regnis, dominis, locisve scienter receptabunt receptative facient, nec in eisdem [morari aut auxilium vel favorem habere permittant, et si in eisdem] terris præsumpserint, eosdem capiant vel capi facient, & ad manus regis & reginæ Hispaniarum tradent & tradi facient &, simile modo, præfati domini rex & regina Hispaniarum eorumque hæredes & successores præfatorum serenissimi regis Angliæ ejusque

filii primogeniti & hæredis eorumque prædictorum hære- July, 1499.
dum & successorum rebellibus quibuscumque præsentibus
& futuris contra præfatum illustrissimum regem Angliæ,
ejusque filium primogenitum & hæredem, eorumve
hæredes prædictos & successores, per terram, mare &
aquas dulces, ex causa vel occasione quacumque præsentē
vel futura, consilium, auxilium, vel favorem, publice vel
occulte, directe vel indirecte, non dabunt nec præstabunt,
aut alias quovis modo juvabunt, nec subditos prædicti
serenissimi regis Angliæ ejusve successorum rebelles in
suis regnis, dominiis, locisve scienter receptabunt re-
ceptarive facient, nec in eisdem morari aut auxilium vel
favorem habere permittant; & si morari in eisdem terris
præsumpserint, eosdem capiant vel capi facient, & ad
manus regis Angliæ tradent vel tradi facient.

Item, concordatum & conclusum est quod præfatus
illustrissimus rex Angliæ ejusque filius primogenitus
& hæres eorum hæredes & successores prædicti in omni
treuga, pace, liga, confœderatione, vel unione quacumque,
quam cum aliquo principe, universitate, comunitate,
societate vel homine quocumque ab hac die de cætero
concordabunt & concludent, præfatos regem & reginam
Castellæ Legionis, Aragonum, Siciliæ, Granatæ etc.
eorumque hæredes & successores, ut prædicitur, specia-
liter & nominatim comprehendent, si in eisdem compre-
hendi voluerint; et, simili modo, prædicti rex & regina
Castellæ, Legionis, Aragonum, Siciliæ, Granatæ etc.
eorumque hæredes & successores præfati in omni liga,
pace, treuga, confœderatione, & unione quacumque, quam
cum aliquo principe, universitate, comunitate, societate,
vel homine aliquo ab hac die in antea [*sic*], concordabunt
& concludent, præfatum serenissimum regem Angliæ ejus-
que filium primogenitum & hæredem, eorumque hæredes
& successores, ut prædicitur, specialiter & nominatim
comprehendent, si in eisdem comprehendendi voluerint.

July, 1499 Item concordatum & conclusum est ut captiones, pignorationes, marchæ, & reprisaliæ navium & personarum bonorumve utriusque partis eorumque vassallorum & subditorum de cætero cessent, sed quandocumque aliqua navis indigena exitura est ab aliquo portu tam regnorum & dominiorum Angliæ, Hiberniæ etc., quam Castellæ, Legionis, Aragonum, Siciliæ, Granatæ etc. majores & gubernatores & alii officiales, quibuscumque nominibus appellantur, talis villæ, oppidi, seu portus unde exitura est, capiant sufficientes securitates a dominis seu possessoribus, magistris, patronis vel bursariis navis, ad duplum valoris navis apparatus & victualium ejusdem, quod magistri, marinarii, nautæ, & omnes in ea navi existentes, cujuscumque status seu conditionis existant, servabunt hanc pacem erga quoscumque subditos patriarum, regnorum, dominiorum, terrarum alterius partis, & nullam eis injuriam seu violentiam in terra, mari, fluminibus, aut in portu aliquo facient seu inferent, et, si hujusmodi securitates præstare noluerint, non permittent ipsi majores, gubernatores, & officiales prædictorum oppidorum seu portuum, ubi casus ille acciderit, navem hujusmodi quoquo modo exire quotiens autem securitatem præmissam majores, gubernatores, & officiales, prædicti exigerint seu receperint, dabunt literas auctenticas, sub eorum sigillo, possessoribus, magistris, seu bursariis illius navis ita assecuratæ, testificantes ipsam securitatem præstitam, ad finem ut, ipsarum literarum vigore, navis hujusmodi alios, ad quos forsitan applicabit, portus libere exire valeat

Providebunt etiam præfati reges & principes, eorumque hæredes & successores, ut præmittitur, per suas literas, ad suos gubernatores & officiales oppidorum & portuum suorum regnorum & dominiorum mittendas, taliter quod ipsi omnia & singula præmissa de tempore in tempus observabunt & observari facient: et præfati

officiales teneantur, infra quadraginta dies proximo July, 1499. sequentes a die requisitionis sibi factæ per partem dampnificatam computandos, exequi prædictam obligationem contra magistrum navis & ejus fidejussores, qui tale dampnum intulit. et quod omnes literæ marcharum & reprisalarum hactenus per prædictos reges & prædecessores suos concessæ contra subditos alterius partis sint suspensæ, & vigore eorum nulla executio fieri possit, sed de novo fiat requisitio ad instantiam dampnificatorum, & eis fiat justitia per superiorem dampnificantis; & in ejus denegationem, servata forma in similibus casibus consueta, possint dari & concedi marchæ seu reprisaliæ contra subditos & vassalos principis justitiam denegantis

Item quod si per subditos prædictorum regum vel per aliquem subditorum unius vel alterius partis eorumdemve hæredum & successorum, ut prædicatur, quicquam imposterum, ubi[cum]que locorum contra vim, formam, & effectum præsentis tractatus & conclusionis pacis, concordiæ, amicitie, ligæ, unionis, & confœderationis factum vel attemptatum fuerit (quod Deus avertat), illud sic factum vel attemptatum, quotiens id acciderit, ad requisitionem partis contra quam id factum vel attemptatum esse prætenditur, per debita & oportuna remedia restituatur & reparetur; sed per hoc huic præsentis pacis, concordie, amicitie, ligæ, unionis & confœderationis tractatui in nullo præjudicetur, nec propter tale factum vel attemptatum eadem pax, liga, unio, & confœderatio rumpi vel dissolvi censebitur, sed nichilominus in suo robore permanebit & effectui

Item, concordatum, conventum & conclusum est quod, si aliquis vassallus, homo, vel subditus alterius partis per vassallos, homines, vel subditos alterius, contra vim, formam & effectum præsentis tractatus & concordie, in aliquo læsus vel dampnificatus fuerit, & super hoc in illis

July, 1499 *locis & per illos iudices, ubi & per quos in talibus casibus de justitia provideri debet, reformationem & reparationem consequi non valuerit, nichilominus præsens tractatus & concordia in suo robore permaneat; & pars sic dampnificata, quæ, ut præmittitur, reparationem consequi non valuerit, cum commendatitiis & admonitoriis literis sui principis ad alterum principem recurret; ipseque, defectum officialium suorum supplens, illi de debito juris remedio providebit, nec antea literæ de reprisalis vel marcha vel contramarcha impetrentur vel concedantur.*

Item, concordatum & conclusum est quod uterque principum præfatorum, infra sex menses post harum confœderationem perfectam conventionem & ipsarum literarum traditionem, teneatur hunc tractatum treugarum, pacis, unionis, & concordiæ, confœderationis & veræ amicitæ in omnibus & singulis insignioribus locis regnorum & dominiorum suorum, tam per littora maris quam super terram & in portibus eorundem, publice & solenniter proclamari, notificari, & publicari facere, prout in tali casu antiquius fieri consuevit

Item, ne afflictæ detur afflictio, conventum & conclusum est quod, si aliqua navis Angliæ, Hispaniæ, vel alterius loci sub dominio & ditone prædictorum principum vi ventorum quassata fuerit & passa naufragium, & bona vel per aquarum vehementiam vel per aliam quamcunque causam ad litora alterius principis producta sint, quod tunc præpositus vel officialis ipsius loci, statim & incontinente post habitam notitiam in quorum manibus hujusmodi bona seu mercimonia sunt, facient fieri sequestrum omnium prædictorum bonorum seu mercimoniorum sic salvatorum: et, si pars læsa infra viginti menses, per signa sua consueta, vel per alias legitimas probationes proprietatem probaverit, quod illico bona proprietario restituantur. proviso quod, si dicta

bona seu mercimonia sint de rebus quæ servando servari July, 1499.
non possunt, quod in tali casu prædicti præpositi vel
officiales possint & debeant hujusmodi bona & merci-
monia vendere & pretium servare ad utilitatem proprie-
tarii : et, si infra tempus prædictorum viginti mensium
aliquis proprietarius non venerit, tunc servetur jus
commune illius regni ubi hujusmodi bona applicuerunt ;
salvo tamen ei vel eis, qui hujusmodi bona in mari
litoribusve recuperaverunt, pro ejus vel eorum labori-
bus justo & rationabili salario, per quatuor legales ho-
mines ad hoc juratos taxando

In cujus rei testimonium nomina manu propria sub-
scripsimus & sigilla nostra apposimus

Datum in civitate London , decimo die Julii, anno
Domini millesimo quadringentesimo nonagesimo nono.

THOMAS LONDON EPISCOPUS
DOCTOR DE PUEBLA.

Cumque præinserta amicitiae, concordiae, ligæ, unionis,
confœderationis, & pacis capitula, omniaque & singula
in illis contenta nobis gratissima sint ac maxime plac-
eant, velimusque omnia & singula nostris patentibus
litteris, manibus propriis subscriptis, ac nostro regio
sigillo munitis confirmare, approbare, & corroborare,
idcirco præsentibus litteris nostris omnibus melioribus
via, modo, & forma quibus melius & validius de jure pos-
sumus & debemus, præinserta amicitiae, concordiae, ligæ,
unionis, confœderationis & pacis capitula, omniaque &
singula in illis & quolibet eorum contenta, juxta suam
seriem & tenorem laudamus, approbamus, ratificamus
& confirmamus, ac rata, grata & firma habemus, & si
necesse est, ea omnia & singula de novo concedimus &
firmamus.

Et insuper promittimus & juramus, super sancta Dei

July, 1499. Quatuor Evangelia corporaliter & manualiter per nos tacta, bona fide & in verbo regio tenere, & adimplere, ac inviolabiliter observare pro nobis, regnis, terris & ditionibus nostris, omnia & singula in præinsertis amicitiae, concordiae, ligæ, unionis, confœderationis, & pacis capitulis contenta, prout in eisdem cavetur & continetur, & contra ipsa quovis modo directe vel indirecte non venire, sub obligatione & ypotheca omnium bonorum nostrorum præsentium & futurorum, necnon sub pœna perjurii, quam rex & regina possunt tali casu incurrere

Insuper, nos tanquam avi, tutores, & curatores personæ præfati illustrissimi principis Michælis¹ nepotis & hæredis nostri carissimi, promittimus, pollicemur, & juramus ad Dominum Deum nostrum Jhesum Christum, & ejus Sanctam Crucem, & sancta Quatuor Evangelia, quod, postquam prædictus illustrissimus princeps Michæl nepos & legitimus hæres noster carissimus, Deo annuente, pervenerit ad ætatem annorum quatuordecim, dabimus operam cum effectu, quod jurabit solempnitur, & in forma debita, per se & successores suos tenere & inviolabiliter observare, ac teneri & observari facere amicitiam, concordiam, ligam, unionem, confœderationem, pacem, pacta, & promissa contenta & contentas in præinsertis capitulis juxta illorum & illarum seriem & tenorem, & contra eas vel ea directe vel indirecte non facere vel venire, sub obligatione omnium bonorum suorum, ac sub pœna perjurii quam princeps potest tali casu incurrere; præterea volumus, quod in hujusmodi amicitia, liga, confœderatione, & pace comprehendatur serenissimus Emanuel rex Portugaliæ filius noster dilectissimus

In quorum omnium & singulorum prædictorum testimonium, præsentibus litteras manibus nostris signavimus, sigillique nostri munimine jussimus roborari.

¹ Michael or Emmanuel (*d.* 1500) was the infant son of Ferdinand's daughter Isabella, and of Emmanuel, King of Portugal.

Datum & actum in urbe Hispalienti,¹ die vicesimo July, 1499.
 mensis Januarii, anno a nativitate Domini millesimo quin-
 gesimo, præsentibus ibidem Gutierro de Cardenas,
 præceptore majore Legionis Ordinis Sancti Jacobi de
 Spata,² Joanne Chacon præfecto Murciæ, majoribus
 computatoribus nostris, Joanne Velasques computatore
 majore illustrissimi principis nepotis & hæredis nostri
 carissimi, consiliarius nostris, testibus ad præmissa vo-
 catis, & aliis pluribus.

EYO EL REY

EYO LA REYNA

Et ego, Michael Perez Dalmaçan, prædictorum seren-
 issimorum & potentissimorum dominorum nostrorum
 regis & reginæ secretarius, ac publicus apostolica & regia
 auctoritatibus notarius, præmissis omnibus & singulis
 una cum prænominatis testibus interfui, eaque sic fieri
 vidi & audivi, & in notam sumpsi, ideoque præsens
 publicum instrumentum, alterius manu in his quatuor
 foliis pergamenæ scriptum, inde confeci, & in hanc pub-
 licam formam redegi, signoque meo solito signavi, in
 fidem & testimonium omnium & singulorum præmis-
 sorum

Constat de suprapositis in secundo folio, ubi legitur
 prædicta, & in tertio folio teneantur

14

[“ Spanish Cal.” i. 317]

Ferdinand and Isabella empower Ferdinand Duke de Toledo,
 Estrade in their name and in the name of the Princess ^{10 May,} 1502.
 of Wales,—

1 To reclaim from the King of England the 100,000
 scudos which have been paid as the first instalment of
 the marriage portion of the said Princess of Wales.

¹ Seville.

² Santiago de la Espada in Andalusia

May, 1502. 2. To demand that the King of England should deliver to the Princess of Wales those towns manors lands etc. which have been assigned to her as her dowry, which is to amount to one third of the revenues of Wales, Cornwall and Chester.

3. To beg the King of England to send the Princess Katherine to Spain in the best manner, and in the shortest time possible, and, if necessary, to superintend himself the arrangements for her departure

15.

[“Spanish Cal,” i 318 Prince Arthur had died on 2 April, and the promptitude with which Ferdinand and Isabella commissioned their ambassador to treat for a marriage between Katherine and Henry, indicates that the anxiety for its conclusion was mainly on their side.]

Toledo,
10 May,
1502

Ferdinand and Isabella empower Ferdinand Duke de Estrade,—

1. To conclude with Henry, in their names, and as their ambassador, a marriage between their daughter Katherine and his son Henry, Prince of Wales

2. To settle the amount, and other terms of the marriage portion and of the dowry

16.

[Marriage treaty between James IV and Margaret, Rymer, xii 787 The defeat, capture, and execution of Warbeck, and Ayala's mission to Scotland (see Vol i, No 133) had had more effect upon James than Foxe's negotiation in 1497 (above, No 11) Henry VII had on 13 December, 1497, consented to refer his grievances against James to Ferdinand and Isabella's arbitration (Rymer, xii. 671), and on 10 February, 1498 James concluded a six years' truce with England (*ibid* p 673) Further progress was made in July, 1499 (*ibid*. xii 721-2), and on 11 September Foxe was commissioned to negotiate the marriage (*ibid*. p 729). The necessary papal bull of dispensation from consan-

guinity was obtained on 28 July, 1500 (*ibid.* p. 765), and on 8 October, 1501, James commissioned ambassadors to treat for perpetual peace with England and to contract a marriage in his name with Margaret]

Haec indentura, facta inter nos, Robertum Glasguen-^{24 January, 1502}
sem archiepiscopum, Patricium comitem de Bothvile
dominum Halys ac inagnum admirallum regni Scotiæ
gardianum occidentalium marchiarum ejusdem, &
Andream postulatum ecclesiæ cathedralis Moraviensis,
illustrissimi & excellentissimi principis Jacobi, Dei gratia
regis Scotorum, ad infrascripta commissarios, oratores,
ambasiatores, legatos, procuratores, deputatos, & nun-
cios speciales & generales, ex una, et reverendissimum
ac reverendum in Christo patres, Henricum¹ Cantuar-
iensem archiepiscopum totius Angliæ primatem & Apos-
tolicæ Sedis legatum, illustrissimi & potentissimi prin-
cipis Henrici, Dei gratia regis Angliæ & Franciæ &
domini Hiberniæ magni sigilli custodem, Ricardum
Wintoniensem episcopum² ejusdem domini regis Angliæ
privati sigilli custodem, & Thomam comitem Surriæ
thesaurarium Angliæ, ejusdem domini regis ad infra-
scripta commissarios, oratores, ambasiatores, legatos,
procuratores, deputatos & nuncios speciales & generales,
parte ex altera,

Testatur quod nos commissarii, oratores, ambassia-
tores, legati, procuratores, deputati, & nunci principum
prædictorum, considerantes, & præ oculis nostris habentes
quod, mediator Dei & hominum, homo Christus Jesus,
cum pro redemptione generis humani de sinu Patris in
terram descenderet, pacem in primis hominibus nun-
ciavit, deinde ascensurus ad Patrem eandem, tamquam

¹ Henry Deane, elected archbishop of Canterbury, 26 April, 1501, died 15 February, 1503, being succeeded by Warham, who held the primacy from 1504 to 1532

² Foxe, who had at last obtained a settled see

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singulare pretiosissimum & peculiare munus, discipulis reliquit & donavit, ex quo siquidem divino & præclarissimo munere, si quid inter mortales bonum, si quid utile, si quid denique Deo gratum & acceptum reperiatur, id certe procedit, & sine quo nichil firmum nil stabile aut tranquillum in orbe diu consistere potest, cum igitur nil placidum sine pace Deo, non inunus ad aram, ipsa pax potissime inter reges & principes, perquirenda est, ipsa amplectenda & sequenda,

Et quoniam ipsa pax in amore, benevolentia, affinitate, & sanguinis necessitudine, quæ ex dignissimo sacramento matrimonii proficiscuntur & manent, maxime reperitur, atque in his suavissime refocillatur & nutritur, matrimonium igitur & conjugale bonum, unde amor & benevolentia, affinitas & sanguinis necessitudo procedunt, bases & fundamenta firmissima pacis & concordiae inter reges & principes esse certissimum judicavimus

Attendentes propterea illum propensum animum quem ipsi potentissimi principes nostri Scotiæ & Angliæ reges ad pacem inter eos & eorum regna perpetuo firmandam & stabilendam gerunt, illumque tenerrimum atque præcipuum amorem firmanque benevolentiam quibus alter alteri vicissim afficitur, necnon pensatis illis singularibus desideriis frequentibus instantibus & continuis sollicitationibus quibus idem serenissimus Scottorum rex penes illustrissimum Angliæ regem sæpissime institit & intercessit ut, ob intimas affectiones & præcipuos amores quos ad eundem regem gerit, & quibus ipsi reges se mutuo prosequuntur, cum præclarissima domina Margareta, ejusdem regis Angliæ ac illustrissimæ dominæ reginæ Elizabethæ carissimæ consortis suæ filia primogenita, præ cunctis principibus mundi, matrimonium contraheret,

Attenta præterea illa ejusdem serenissimi regis Angliæ animi conformitate & benevolentia, qui tam justis tam

gratis tamque honestis præfati consanguinei sui desideriis, unde tot pacis bona & commoda perpetuis futuris tem-^{January, 1502}poribus ipsis & eorum regnis habunde proventura sunt, propterea annuere atque assentire dignum duxerit

Virtute & auctoritate sufficientium commissionum, a prædictis serenissimis principibus respective nobis in hac parte datarum, traditarum, & concessarum (quarum commissionum tenores inferius sequuntur) ad laudem Dei, & principum nostrorum prædictorum regnorum ac subditorum suorum honorem, pacem, commoditatem, & utilitatem, omnes & singulos articulos subsequentes, earundem commissionum vigore & auctoritate, convenimus, concordavimus, contraximus & conclusimus, prout per presentes convenimus, concordamus, contrahimus & concludimus

Imprimis, nos commissarii, oratores & procuratores prædicti, auctoritatibus prædictis, convenimus, contrahimus, concordamus & concludimus, quod dictus dominus Jacobus Scotorum rex, per se, vel per oratorem, procuratorem, vel commissarium suum sufficienti auctoritate in ea parte fulsitum, matrimonium per verba de præsentì cum præfata domina Margareta, quæ duodecimum ætatis suæ annum penultimo die Novembris ultimo præterito explevit,¹ citra festum Purificationis beatæ Mariæ proximo futurum realiter & cum effectu contrahet,

Et matrimonium sic contractum, consanguinitatis & affinitatis gradibus, quibus quarto & quarto dictus dominus Jacobus Scotorum rex & dicta domina Margareta se invicem attingunt, non obstantibus, juxta tenorem, formam & effectum dispensationis apostolicæ, per bullam episcopi in hac parte impetratæ perinde valeat, ac si hujusmodi impedimento non essent, ita quod nullo modo licebit dicto domino Jacobo regi nec dictæ dominæ

¹ She was therefore born on 29 November, 1489.

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Margaretæ, ratione consanguinitatis & affinitatis prædictarum, ad impediendum vel dissolvendum matrimonium prædictum quicquam per viam juris vel facti obicere vel obici facere

Item, quod dictus illustrissimus rex Anglæ, pater ejusdem principis dominæ Margaretæ, cum effectu faciet quod dicta domina Margareta filia sua, citra dictum festum Purificationis, cum dicto domino Jacobo Scotorum rege, aut ejus in hac parte oratore, procuratore, vel commissario, ut præfertur, ad hoc auctorizato sufficienter, matrimonium per verba de præsentibus contrahet realiter & cum effectu

Item, licet inter dictum dominum Jacobum Scotorum regem & dictam dominam Margaretam matrimonium per verba de præsentibus citra dictum festum Purificationis, ut præmittitur, contrahatur, idem tamen commissarii, oratores, & procuratores prædicti domini Jacobi regis Scotorum cum præfato domino rege Angliæ & ejus commissariis, oratoribus, & procuratoribus prædictis, virtute commissionum suarum prædictarum, contrahunt & conveniunt, eidemque regi Angliæ & commissariis, oratoribus & procuratoribus suis prædictis per præsentibus promittunt, quod idem dominus Jacobus rex Scotorum dictam dominam Margaretam circa primum diem Septembris, qui erit in anno Domini millesimo quingentesimo tertio, ex causa solennizationis aut consummationis prædicti matrimonii vel alia causa quacunque nullo modo sibi tradi dari aut liberari petet aut requirit, necnon quod idem dominus Jacobus rex Scotorum, per literas suas patentes magno sigillo suo & manu sua propria sigillatas signatas & munitas, & præfato domino regis Angliæ ejusve commissario procuratori vel deputato ejusve commissariis procuratoribus vel deputatis in ea parte sufficienter auctorizatis citra primum diem Aprilis proximo futurum post datam præsentium

tradendas & deliberandas, præfato domino regi Angliæ ^{January, 1502} promittet quod ipse dictus Jacobus rex Scotorum dictam dominam Margaretam citra primum diem Septembris prædictum, ex causa solennizationis aut consummationis matrimonii prædicti vel alia causa quacunque, nullo modo tradi dari aut liberari petet aut requiret

Item, dicto matrimonio inter præfatum dominum regem Scotorum & memoratam dominam Margaretam, citra dictum festum Purificationis per verba de præsentī, ut præmititur, contracto, prædictus dominus rex Angliæ dictam dominam Margaretam filiam suam citra primum diem dicti mensis Septembris sumptibus & expensis suis extra regnum suum ad limites regni Scotiæ transmittet seu transmitti faciet, & apud ecclesiam vulgariter vocatam Lambertone Kirk, vel aliquem alium locum prope eosdem limites, præfato domino regi Scotorum ejusve commissariis, procuratori, vel deputato, commissariis, procuratoribus vel deputatis, in ea parte sufficienter per literas prædicti domini Jacobi regis Scotorum auctorisatis pro matrimonio inter ipsum & dictam dominam Margaretam Deo duce solennizando & consummando, tradet & deliberabit tradive & deliberari faciet Ipseque dominus Jacobus rex Scotorum eandem dominam Margaretam, infra quindecim dies, dictas transmissionem, traductionem & deliberationem proximo & immediate sequentes, in facie Ecclesiæ, secundum sacrorum canonum dispositionem, solenniter disponabit & in uxorem accipiet, ipsamque deinceps tanquam uxorem suam legitimam in omnibus tenebit, reputabit & tractabit

Item, idem dominus Jacobus Scotorum rex citra primum diem Julii, qui erit in anno Domini millesimo quingentesimo tertio, eidem dominæ Margaretæ, ad terminum vitæ suæ, talem & tantam donationem propter hujus modi nuptias, qualem & quantam donationem aliqua regina Scotiæ unquam habuit, in villis, dominiis,

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maneriis, terris, prædiis, & redditibus, efficacioribus viis & mediis quibus de jure fieri possit, faciet dabit & concedet, ipsamque, vel ejus commissarium, procuratorem, vel deputatum, commissarios, procuratores, vel deputatos ad hoc missos & destinatos, citra eundem primum diem Julii, in realem, corporalem, plenam, & pacificam possessionem eorumdem effectualiter mittet & inducet, mittive & induci faciet, et, si annui redditus dictorum villarum, dominiorum, maneriorum, terrarum, & prædiorum ad minorem summam quam duarum millium librarum sterlingorum secundum computationem & æstimationem quæ nunc sit & habetur in Anglia, & quæ faciunt & constituunt sex milia librarum monetæ nunc currentis & habentis cursum in Scotia, deductis oneribus & expensis quibuscumque, se annuatim extendant, idem dominus Jacobus rex Scotorum totum & omne illud, quod in ea parte dictæ summæ defuerit, in aliis villis, dominis, maneriis, terris, prædiis & redditibus, in aliquibus locis citra mare Scoticum situatis, ad prædictam summam duarum millium librarum sterlingorum se extendentibus, citra quintumdecimum diem præfati mensis Julii, dicto anno millesimo quingentesimo tertio, supplebit & realiter perficiet, et ipsa villas, dominia, maneria, terras, prædia, & redditus, quæ ad hujusmodi supplementum, ut prædictum est, assignabit, citra eundem quintumdecimum diem Julii supradicti, anno Domini millesimo quingentesimo tertio, dictæ dominæ Margaretæ ad terminum vitæ suæ, in locis prædictis, efficacioribus viis & mediis quibus de jure fieri posset, dabit & concedet, ipsamque dominam Margaretam vel ejus commissarium, procuratorem, vel deputatum, commissarios, procuratores vel deputatos pro hujusmodi possessione adipiscenda destinatum vel destinatos, citra eundem quintumdecimum diem Julii, in realem, corporalem, plenam & pacificam possessionem eorumdem effectualiter mittet, & inducet, mittive

& induci faciet; ac etiam quod dicta domina Margareta ^{January, 1502.} omnia & singula præmissa sibi in donationem propter nuptias collata sine diminutione aut revocatione, auctoritate parlamenti regni Scotiæ, vel alio modo, aut quovis quæsito colore faciendis, tam in vita ipsius domini Jacobi regis Scotorum quam post mortem ejusdem, durante vita ejusdem dominæ Margaretæ naturali, sine expulsionem, interruptionem, contradictionem quacunque tenebit & possidebit

Proviso quod dictus dominus Jacobus rex Scotorum omnes & singulos redditus, fructus, & proventus ex prædictis villis, dominus, maneris, terris, prædiis, & redditibus, ex donatione propter nuptias eidem dominæ Margaretæ ut præmittitur dandis & assignandis, provenientes, durante vita sua naturali, præcipiet & habebit, quodque idem dominus Jacobus Scotorum rex, durante vita sua naturali, sumptibus & expensis suis, præfatæ dominæ Margaretæ omnia & singula quæ ad apparatus corporis sui, ornatum domorum suarum, vecturas, equitatus, suppellectilem, utensilia, victum & vestitum sua, ac rem familiarem & domesticam, & alias res quas-cunque, secundum honorem, statum, gradum, & dignitatem ejusdem dominæ Margaretæ, necessaria fuerint seu quomodolibet condecencia, necnon familiaribus, domesticis, & servientibus præfatæ dominæ Margaretæ, tam viris quam fœminis (quorum quidem servientum viginti quatuor erunt Anglici, partim viri partim fœminæ ad optionem & electionem ejusdem dominæ Margaretæ) exculenta, poculenta, stipendia, vestitus, vecturas, equitatus, ac omnia & singula alia quæ eisdem familiaribus, domesticis, & servientibus, secundum honorem & condecenciam status & dignitatis præfatæ dominæ Margaretæ similiter necessaria fuerint seu convenientia, supportabit, exhibebit, præstabit, & ministrabit, supportari, exhiberi, præstari & ministrari faciet, et

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quotiens & quando contigerit aliquem vel aliquam dictorum servientum Anglicorum obire, totiens & tunc licebit dictæ dominæ Margaretæ, durante vita sua, in loco demortuorum vel demortuarum, usque ad numerum duodecim personarum, alios vel alias Anglicos vel Anglicas, ad sumptus & expensas prædictos substituere & subrogare.

Et, præter & ultra dicta apparatus, ornatum, victum, & vestitum & alia prædicta supra specificata necessaria condecencia & convenientia, idem dominus Jacobus rex Scotorum, durante vita sua naturali, eidem dominæ Margaretæ ad usum proprium ejusdem dominæ Margaretæ ex dictis villis, dominus, maneris, terris, prædiis, & redditibus mille libras legalis & usualis monetæ Scotiæ, jam currentis & habentis cursum in regno Scotiæ, quæ faciunt & constituunt quingentas marcas sterlingorum monetæ jam currentis & habentis cursum in regno Angliæ, in festis Paschæ & Sancti Michaelis per æquales portiones, tradet, dabit, & solvet, tradive, dari & solvi faciet, cum quibus quidem mille libris prædictis eadem domina Margareta, loco & nomine prædictorum villarum, dominorum, terrarum, prædiorum & reddituum, durante vita naturali præfati domini Jacobi regis Scotorum tantum, tenebit & reputabit se contentam, & de eisdem villis, dominus, maneris, terris, prædiis, redditibus, durante vita ejusdem domini Jacobi regis Scotorum se nullatenus intromittet, licebitque eidem dominæ Margaretæ prædictam summam mille librarum & quamlibet inde parcellam, de tempore in tempus, durante vita præfati domini Jacobi regis Scotorum, in suos proprios usus & alienos, sine impedimento ipsius domini Jacobi regis Scotorum, vel cujuscumque alterius, libere ad votum suum convertere & disponere

Et, si contingat præfatam dominam Margaretam dictum dominum Jacobum regem Scotorum supervivere,

& post ejus mortem superstitem fore, eadam domina ^{January, 1502.} Margareta post mortem ejusdem domini Jacobi regis Scotorum, in prædictis villis, dominiis, maneriis, terris, prædiis, & redditibus, statum titulum & possessionem suos prædictos, durante vita ejusdem dominæ Margaretæ, continuabit & retenebit, continuare & retinere possit & debeat, fructusque, exitus, proficua, & redditus, ex eisdem provenientia, ubicumque ipsam dominam Margaretam postea habitare vel morari, vel ad quæcumque regna partes extra idem regnum Scotiæ se transferre transire vel migrare placuerit vel contingerit, pacifice, integre, & plene, sine aliqua diminutione, impedimento, expulsionem, interruptionem, vel contradictionem hæredum vel successorum præfati domini Jacobi regis Scotorum, aut alicujus vel aliquorum aliorum quorumcumque, durante vita ejusdem dominæ Margaretae, ad suum usum proprium percipiet & habebit, percipere & habere possit & debeat

Item, idem dominus Rex Scotorum omnia & singula scripta, literas, munimenta, & instrumenta, prædictam donationem propter nuptias, concessionem, & donationem omnium & singulorum prædictorum villarum, dominiorum, maneriorum, terrarum, prædiorum, & reddituum, ac missionem, traditionem, & inductionem in realem possessionem eorundem, necnon supplementum dictorum aliorum villarum, dominiorum, maneriorum, terrarum, prædiorum, & reddituum, concessionem & donationem eorundem, ad missionem, traditionem, & inductionem in realem possessionem eorundem concernentia, & supradicta tunc facta & habita, & quæ de jure fieri deberent, præfato domino regi Angliæ ejusve commissario, procuratori, vel deputato, commissarius, procuratoribus, vel deputatis ad hoc sufficienter auctorizatis, citra prædictum primum diem Julii, ad usum prædictæ dominæ Margaretæ, apud villam

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Berwici tradet & deliberabit, tradive & deliberari faciet.

Item, præfatus dominus rex Angliæ ejusve hæredes & successores, nomine dotis & pro totali plena & integra dote pro dicta domina Margareta, eidem domino Jacobo regi ut præmittitur matrimonio copulanda, triginta millia aureorum nobilium Anglicorum, vocatorum "angel nobillis," in eisdem nobilibus, valente viginti grossos¹ unoquoque nobili, bonæ & legalis monetæ Angliæ nunc cursum habentis in Anglia, aut in alia bona & legali moneta aurea vel argentea Angliæ, æquivalenti dictis triginta millibus aureorum nobilium Anglicorum vocatorum "angell nobillis," eidem domino Jacobo regi aut ejus procuratori sive commissario sufficienter auctorizzato solvet aut solvi faciet in forma sequenti; videlicet,

In die solemnizationis dicti matrimonii, in facie Ecclesiæ inter dictum dominum Jacobum & præfatam dominam Margaretam, in propriis suis personis ut præmittitur faciendæ, vel infra sex dies proximo sequentes eundem diem solemnizationis, præfato domino Jacobo aut ejus sufficienti deputato in villa Edinburgi solvet aut solvi faciet summam decem millium dictorum aureorum nobilium in eisdem nobilibus, vel ut dictum est in alia moneta æquivalenti, et in eodem die ad annum, vel infra sex dies proximo & immediate sequentes finem ejusdem anni, qui erit annus primus completus post solemnizationem præfati matrimonii (videlicet) in anno Domini millesimo quingentesimo quarto, in villa Coldingham summam decem millium dictorum aureorum nobilium in eisdem nobilibus, vel ut dictum est in alia moneta æquivalenti, et in fine anni, tunc proximo & immediate sequentis finem ejusdem anni, qui erit secundus annus completus

¹ Groats.

post solennizationem matrimonii prædicti (viz.) anno ^{January,} Domini millesimo quingentesimo quinto, in villa de ¹⁵⁰² Coldingham, prædictam summam decem millium dictorum aureorum nobilium in eisdem nobilibus, vel ut dictum est in alia moneta æquivalenti, in plenam perfectam & ultimam solutionem dictæ dotis, dictorumque triginta millium nobilium aureorum, pro eadem dote ut præmissum est concessorum, dictusque dominus Jacobus rex Scotorum in omnibus & singulis memoratis solutionibus, in terminis prædictis ut præmittitur faciendis, præfato domino regi Angliæ ejusve deputato vel deputatis dictam solutionem facienti literas suas acquiescentes, magno sigillo suo sigillatas & manu sua propria subscriptas, tradet & deliberabit tradere & deliberari faciet, et in singulis prædictis duabus solutionibus, in dicta villa de Coldinghame, prædicto domino Jacobo regi Scotorum ejusve commissariis procuratoribus vel deputatis ut præmittitur faciendis, idem dominus Jacobus Scotorum rex providebit & ordinabit quod commissarii procuratores & deputati regis Angliæ, illuc eam ob causam venientes & comparentes & prædictas solutiones apud Coldingham facturi cum pecunis prædictis, salvo & secure erga omnes Scotos, periculo ejusdem regis Scotorum, de Berwico ad prædictam villam de Coldinghame accedere, & solutiones prædictas ibidem facere possint & valeant.

Item, si prædictam dominam Margaretam absque prole de corpore suo per eundem dominum Jacobum Scotorum regem suscitata, ante aliquem terminum solutionum prædictarum (quod Deus avertat) obire contigerit, tunc post hujusmodi obitum rex Angliæ ad nullam ulteriorem solutionem præfato domino Jacobo regi Scotorum faciendam, ratione præsentis conventionis & tractatus, aut alicujus obligationis, alteriusve publicæ vel privatæ scripturæ, signo & sigillo suo munitæ, in

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ea parte factæ & conceptæ, nullo modo teneatur, obligetur aut astringatur, sed omnino ab hujusmodi solutionibus & earum qualibet liberatus quietus & exoneratus ipso facto habeatur & censeatur, ac si nulla promissio, obligatio, aut conventio in ea parte facta fuisset, hujusmodi obligationibus & scripturis, sic ut præfertur signatis & sigillatis, aut quocunque alio modo factis, in nullo penitus obstantibus.

Commissionum vero prædictarum tenores sequuntur & sunt tales. Henricus, Dei gratia, rex Angliæ & Franciæ & dominus Hiberniæ, universis & singulis, ad quorum not[it]as præsentis litteræ pervenerint, salutem. Sciatis quod nos de fidelitatibus, industriis, & providis circumpectionibus dilectorum & fidelium consiliariorum nostrorum, reverendissimi in Christo patris Henrici archiepiscopi Cantuariensis custodis magni sigilli nostri, ac reverendi in Christo patris Ricardi episcopi Wintoniensis custodis privati sigilli nostri, necnon carissimi consanguinei nostri Thomæ comitis Surriæ thesaurarii nostri Angliæ, quam plurimum confidentes, ipsos nostros veros & indubitatos commissarios procuratores, factores, & deputatos facimus, constituimus, ordinamus, & deputamus per præsentis, dantes & concedentes eisdem & cuilibet eorum in solidum conjunctum & divisum plenam, tenore præsentium, potestatem & auctoritatem, ac mandatum generale & speciale, pro nobis & nomine nostro, cum illustrissimo principe Jacobo Scotorum rege consanguineo & fratre nostro carissimo, ejusve oratoribus procuratoribus sive nunciis, ipsius nomine sufficienti potestate munitis, de & super sponsalibus ac matrimonio inter ipsum illustrissimum principem fratrem & consanguineum & præcarissimam primogenitam filiam nostram Margaretam, secundum dispositionem sacrorum canonum contrahendis, & annuente Deo cum effectu con-

cludendis, ac de & super dote dotalitius & donatione ^{January, 1502} propter nuptias, ex causa hujusmodi matrimonii, tractandi conveniendi & concludendi, tempusque ac tempora modosque & formas pro hujusmodi dote dotalitius & donationibus propter nuptias assignandi promittendi & appunctuandi, ejusdemque dotis ac donationis propter nuptias possessionem realiter & cum effectu in nostro nomine mitti petendi, necnon de & super tempore, modo & forma traductionis ipsius præcarissimæ filiæ nostræ in regnum Scotiæ tractandi, concordandi, appunctuandi, conveniendi, paciscendi & finaliter concludendi; locaque & tempora pro præfata præcarissimæ filiæ nostræ traductione, hujusmodique dotis sive donationis propter nuptias solutione, statuendi præsigendi & limitandi; ac etiam de & super ulterioris solutionis quarumcunque summarum pecuniarum præfato illustrissimo principi patri & consanguineo nostro, per nos, nomine dotis, pro præfata filia nostra, ad terminos ad hoc assignatos solvendarum, in casu quo ipsa filia nostra, absque prole de corpore suo per ipsum fratrem & consanguineum nostrum suscitata, ante aliquem terminum solutionum prædictarum (quod Deus avertat) obire contigerit, cessatione, communicandi, tractandi, appunctuandi, & concludendi, necnon securitates, cautiones, promissa, obligationes, literas & scripturas sigillatas pro promissorum complemento nomine nostro promittendi, sigillandi, tradendi & deliberandi,

Et insuper quascumque bullas apostolicas super minore ætate ejusdem filiæ nostræ, ac de & super consanguinitate & affinitate, quibus præfatus frater & consanguineus noster carissimus & prædicta filia nostra præcarissima quarto & quarto gradibus conjunguntur, acceptandi, approbandi & ratificandi, ac cuicumque beneficio tam juris & facti quod dictum matrimonium impedire possit palam expresse & in vim facti in scriptis

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renunciandi; consimiliaque securitates, cautiones, promissa, obligationes, literasque & juramentum a præfato illustrissimo principe fratre & consanguineo nostro Scotorum rege similiter stipulandi, petendi, exigendi & recipiendi; cæteraque faciendi & exequendi quæ circa præmissa necessaria fuerint seu quomodolibet oportuna, ac etiam si talia sint quæ de se mandatum exigant magis speciale, promittentes, bona fide & in verbo regio, nos ratum gratum & firmum habituros & observaturos totum & quicquid per dictos commissarios aut eorum aliquem in solidum actum gestum seu in præmissis factum fuerit, & superinde literas nostras patentes ratificatorias approbatorias & confirmatorias, in forma debita & autentica, prout opus fuerit, daturos, in cujus rei testimonium præsentibus magnum sigillum nostrum apponi fecimus.

Teste meipso apud Westmonasterium vicesimo octavo die Novembris, anno regni nostri decimo septimo

Jacobus, Dei gratia, rex Scotorum, universis & singulis, ad quorum not[it]as præsentis litteræ pervenerint, salutem Cum æternus Deus etc [originalis commissio patet ut supra de dat 2 die Octobris]

In cujus rei testimonium huic parti istius indenturæ penes dictum excellentissimum & potentissimum principem dominum Henricum Angliæ regem remansuræ, nos prædicti archiepiscopus, comes & postulatus Moraviensis, commissarii, oratores, ambassiatores & procuratores præfati illustrissimi & serenissimi principis domini Jacobi regis Scotorum, sigilla nostra apposumus, & præsentis manuum nostrarum subscriptione munivimus.

Datum in Anglia, in regio palatio de Richemont vicesimo quarto die mensis Januarii, anno Domini secundum

cursum & computationem Ecclesiarum Scoticanæ & Anglicanæ millesimo quingentesimo primo¹ & January, 1502.

ROBERTUS GLASGUEN.

PATRIK ERLE OFF BOTHVILE

A. MORRAVIEN.

Sub sigillis suis ceræ rubræ a duplicibus caudis pergamene pendentibus

17

[Abstract of the treaty of marriage between Henry, Prince of Wales, and Catherine of Aragon, "Spanish Cal.," i 364 The treaty is printed in full in Rymer, xiii 76-86 The Spanish commission has been given (No 14), Henry's, dated 20 June, 1503, was to Warham, now Archbishop of Canterbury and Keeper of the Great Seal, Foxe, and Dr. William Barons or Barnes, who was appointed Master of the Rolls on 1 February, 1502, succeeded Warham as Bishop of London in 1504, and died in October, 1505 An English draft treaty, dated 24 September, 1502, is given in the "Spanish Cal.," i 351]

1 Ferdinand and Isabella, as well as Henry VII promise to employ all their influence with the Court of Rome, Richmond, 23 June, 1503 in order to obtain the dispensation of the Pope necessary for the marriage of the Princess Katharine with Henry, Prince of Wales The Papal dispensation is required, because the said Princess Katharine had on a former occasion contracted a marriage with the late Prince Arthur, brother of the present Prince of Wales, whereby she became related to Henry, Prince of Wales, in the first degree of affinity, and because her marriage

¹ This treaty, and treaties for peace and for the redress of injuries which had also been concluded on 24 January, 1502, were confirmed by Henry VII on 31 October following (Rymer, xiii 30-32), and they were ratified by James IV in December (*ibid.* xiii 43-52) On 24 February, 1503, the Scottish ambassadors wrote thanking Henry VII for his kindness to them during their stay in England (*ibid.* xiii 54). The details of Margaret's dower were settled in 1503 (*ibid.* xiii 56, 62, 65-74)

June, 1503 with Prince Arthur was solemnised according to the rites of the Catholic Church, and afterwards consummated.¹

2. If the aforesaid dispensation be obtained, Ferdinand and Isabella on the one side, and Henry VII on the other, promise that a marriage *per verba de præsenti* shall be contracted within two months after this treaty shall have been ratified by both the contracting parties.

3. When the Princess Katharine contracted her marriage with Prince Arthur, Ferdinand and Isabella promised to give her a marriage portion of 200,000 scudos, each scudo being worth 4s 2d. of English money. Of this sum 100,000 scudos were paid into the hands of King Henry VII at the time when the said marriage was solemnized. Ferdinand and Isabella renounce in their name and in the name of the Princess Katharine, all right to demand restitution of this payment.

4. Ferdinand and Isabella promise Henry VII to pay, on the marriage of their daughter to Henry, Prince of Wales, a marriage portion of 200,000 scudos, each scudo being worth 4s. 2d of English money. Henry VII on the other hand, confesses that he has already received one half of the said 200,000 scudos. The remaining 100,000 scudos are to be paid in the following manner; viz 65,000 scudos in coined gold, 15,000 scudos in plate, and vessels of gold and silver, according to the valuation of silversmiths in London, 20,000 scudos in jewels, pearls, ornaments etc. of the Princess of Wales, according to their price in London, which is to be fixed by sworn valuers. All these payments are to be made in London, within ten days before or after the solemnization of the marriage. The marriage is to be solemnized as soon as Prince Henry shall have completed the

¹ On the truth or the falsity of this statement much of the argument about the divorce of Catherine of Aragon depends; it was denied a few weeks later ("Spanish Cal.," i. p. 370).

fourteenth year of his age, and as soon as Ferdinand and Isabella, or their successors, can show that the whole marriage portion is in London, ready for delivery. Ferdinand and Isabella pledge their and their subjects' fortunes as security for the punctual execution of this clause of the treaty June, 1503.

5 Prince Arthur had settled on the Princess of Wales her dowry, consisting of lands, manors etc, the revenues of which amount to the third part of the revenues of Wales, Cornwall, and Chester. She is to give back, within ten days before or after the solemnization of her new marriage, all documents and title deeds respecting this dowry, and Prince Henry will endow her on the day of the solemnization of the marriage with a new dowry as great and as well secured as her first dowry was. Henry VII promises to ratify the constitution of the new dowry within one month after the solemnization of the marriage. The Princess Katharine renounces all other claims on the revenues of Wales, Cornwall and Chester, and promises to be content with her dowry.

6 In case the Princess Katharine become Queen of England, she is to have, besides her dowry as Princess of Wales, a dowry as Queen, consisting of the third part of all the revenues of the Crown of England. She is to hold both dowries for life.

7 The right of succession to the Crown of Spain is reserved to the Princess Katharine.

8 If the Princess Katharine become Queen of England, she is to enjoy, during the lifetime of her royal husband, all the privileges and revenues that other Queens of England have enjoyed before her. Henry VII pledges the whole of his fortune and the fortunes of his subjects as security for the punctual fulfilment of his obligations.

9. If Henry, Prince of Wales, should die before his

June, 1503. father, and leave a son or sons born of the Princess Katharine during her marriage with him, Henry VII promises to create such sons or the first born son, Prince of Wales, and to do all in his power to secure to the said son the succession to the throne after his death.

10. Both contracting parties promise to ratify this treaty within six months after the date of its conclusion.¹

¹ This treaty was confirmed by Ferdinand and Isabella at Segovia on 30 September, 1503 (Rymer, xiii. 76), but the death of Alexander VI delayed the papal dispensation, and his successor, Julius II, doubted, or pretended to doubt his authority to give a dispensation in such a case (Adrian de Castello to Henry VII in Pocock's "Records of the Reformation," vol. 1 p. 1). A bull of dispensation dated 26 December, 1503, is printed by Rymer (xiii. 89), but in January Adrian de Castello and Silvester de Giglis, Bishop of Worcester, were still vainly endeavouring to obtain this concession (see above vol. 1 No. 173). On 3 March, Henry VII apparently ratified the treaty ("Spanish Cal.," i. 393). It was not, however, till August that the dispensation reached England (see above, vol. 1 No. 170); even then it does not seem to have been a sufficiently full and formal document, and Estrada complains of having to wait in England until Sherborne, Henry's ambassador in Rome, brought the bulls in the autumn. When Sherborne did arrive in November, he came without the bulls ("Spanish Cal.," i. 414). A papal brief, however, which played a great part in the divorce proceedings in 1528-9 (see my "Henry VIII," pp. 218-20), had been sent to Spain in time to comfort Isabella, who died on 26 November ("Spanish Cal.," i. 407, 409). On 17 March, 1505, the Bishop of Worcester wrote to Henry VII that the Pope desired him to bring with him the original bulls of dispensation, and regretted that a copy of the said "bulls" [which can hardly be identical with the "brief" of doubtful authenticity produced in 1528] which he had sent to Spain under seal of secrecy to comfort the dying Isabella, had been transmitted to England ("Letters and Papers," i. 243). Meanwhile, the young Henry had, probably at his father's instigation, entered a protest on the eve of completing his fourteenth year, 27 June, 1505, against the validity of his marriage with Catherine ("Spanish Cal.," i. 435). This was no doubt designed to prepare the way for marriage negotiations with Margaret of Angoulême, sister of the future Francis I,

18.

[An epitome of the instructions and report of James Braybroke, Francis Marsin, and John Stile, respecting Ferdinand of Aragon, "Spanish Cal.," i 437 The original, printed in full, occupies more than forty pages of Gairdner's "Memorials," pp 240-81]

I. To take with them letters from the King of England ^{July, 1505.} and a book of articles, for the mutual assistance to be given by the Kings of England and Arragon against France, and to bring back the answer of the King of Arragon To endeavour, in the most wise and secret ways they can use, to learn the state the King of Arragon hath stood in since the death of his Queen

On the 17th of July the ambassadors had their first audience of the King of Arragon, and delivered the King of England's letters After asking after the health of his noble brother, and of the noble Prince of Wales, the King of Arragon said that as to the conclusion of the disposal [espousals] betwixt the noble Lord, the Prince of Wales, and his daughter, the Lady Katharine, it had been greatly to his comfort Inquired if she could speak any English, and was told she could speak some, and understand much more The ambassadors commended her for her great affection to her father, who replied that

a proposal to which Julius II, in spite of his dispensation, offered no objection in October, 1505 ("Letters and Papers," i 247-8). This added to the discomfort of Catherine's position Her father was unable or unwilling to find the second half of the 200,000 scudi he had contracted to pay, and repeatedly begged Henry VII to excuse his failure ("Spanish Cal.," i 470, 484, 501-2, 508-9, 513-14, 529), and to this Catherine herself attributed her poverty She was not, however, literally accurate in her statement that she received nothing from Henry On 13 May, 1502, she received £40, and £83 6s 8d was paid by Henry for the expenses of her household for the month of November, 1502 (Bentley, pp 127, 129; other payments were made later ("Spanish Cal.," i 546).

July, 1505. she had ever loved him more than his other children ; and that he greatly desired she should be an English-woman. Has also written to her at divers times to apply herself to learn that language.

II. Whether any speech or likelihood of the King and Queen of Castile going to those parts, and whether they, or the King of Arragon, have the chief authority

There was no very certain knowledge of the King Archduke and the Queen coming to Spain. Letters were constantly passing from the one court to the other.

III Whether the people desire the coming of the King and Queen of Castile.

They might greatly desire it, being, as they are, so inclined to their own natural Princes, and trusting that then they should not have to pay so many taxes, the land having been made very poor by the King of Arragon, who had ever been most chargeable to them

IV Of what wisdom the King of Arragon is reputed to be, whether he, himself, rules, or is ruled by counsellors.

He is reputed very wise, and determines the greatest and most secret causes himself Almazan is his chief counsellor in outward matters, others of his counsellors are continually at court, but no man is so near his most secret council as Almazan.

V. Whether there are any factions, or divisions, between the King and his nobles.

There is variance between the Constable of Spain and the Duke of Anajara. Other factions also exist, and there is fear of troubles ensuing.

VI. Whether the King of Portugal favours the King of Arragon or the King Archduke.

He loveth and favoreth most the King of Arragon.

VII. Whether there is any speech of accord, or likeli-

hood of war, betwixt the King of Arragon and the July, 1505. French King.

Could not hear of any mention of war. The common saying of the people was that they were sorry the King Archduke was so much ruled by the Council of France.

VIII. In what esteem is the King of England held.

The King and his nobles repute him to be one of the wisest and most excellent Princes in the world. Many of the commons think the same. But many gentlemen and commons who have no knowledge of the King, or his realm, think there is no land but Spain.

IX. What speech is there of the marriage betwixt the Prince of Wales and the Lady Katharine.

The King and his nobles greatly rejoice thereat, and are desirous it had pleased God that the Prince and Princess of Wales had been as near the Crown of Castile as the Archduke and his Queen. Every man and woman in the realm favour the Lady Princess above any other of the King's children. After the decease of Prince Arthur much labour had nevertheless been made to the King to marry her to the Duke of Calabria.

X. Whether the King of Arragon be reputed King, or Administrator of Castile; and if the latter, whether he take the revenues to his own behalf.

Immediately on his Queen's decease he had proclaimed himself Governor and Administrator of Castile on behalf of his daughter, though divers of his nobles were displeased at him for not retaining the title of King. Receives all the revenues to his own use.

The ambassadors proceed to say that on the 21st of July they had shown the King of Arragon the overture made to the King of England by Ferdinand, the Duke [of Estrada], and had delivered to him the book of articles, which the King said he had already received from De Puebla. But he added, that he would send for his Secre-

July, 1505 tary, and compare the two books together, after which he would give an answer thereupon. On the 23rd of July the ambassadors met Almazan, who asked whether they had any other matters to show. They replied, that as, everyday, the period appointed for the marriage betwixt the Prince and Princess of Wales was approaching,¹ the King of England hoped that by that time everything would be performed and paid on behalf of the King of Arragon, to which Almazan replied, that nothing should be faulted according to the articles that had been agreed upon. He then went on to speak of the resolve of the King of Arragon to rule Castile during his lifetime, of the state of the kingdom, and of his intents and enterprises, also of his sentiments towards the Archduke, and the course he was minded to pursue towards him. Furthermore he said that the King had seen the copy of the articles, and that they agreed with those sent by De Puebla, nevertheless he was displeased with some of them. However, he was told that nothing had been put in them save by assent of the Spanish Ambassador. He said, moreover, that the King his master was bearing the matter of Suffolk, the rebel, in mind, and that he had thought the King of England would have had him long since, but he had been deceived by his ambassador Juan Manuel, who had written that he should be delivered on a certain day. On Almazan being asked whether he was of opinion that the King of Arragon would marry, he said he would never do so if the Archduke dealt well and kindly with him.

The ambassadors add that they had heard, before their coming to Valencia, that a marriage had been concluded between the King of England and the young Queen of Naples, and had found that the first speech of

¹ The completion of Henry's fourteenth year, 28 June, 1505, which was already past.

it had come from Pascarell, her apothecary. On the July, 1505. 28th of July the old Queen of Naples had arrived, and had had a long conference with the King of Arragon about her daughter's marriage, so said the common voice. When John Stile spoke to Almazan of the picture he had desired to have of the young Queen of Naples for the Princess of Wales, he was told that if the ambassadors had gone first to the King instead of going first to Valencia, his Highness would have caused them to have the picture, but as she was at Monvedro they could not have it without going there. Almazan said, moreover, that the King his master favoured all the King of England's causes, and, if it were in his power, would make another marriage betwixt Prince Charles of Spain and the King of England's daughter.

XI. How proclamations and writings are made

In Queen Juana's name, and King Ferdinand's as administrator of her realm.

XII. What ambassadors are at the court, specially of France

Several are at court, but none from France

XIII. What authority De Puebla hath.

Is greatly in favour with the King and Almazan. Such of the nobles and commons as formerly knew him in Spain commend him

XIV. Whether there be good obeisance showed the King of Arragon.

All the nobles and commons are very obedient, loving him for the good justice he ministers to them

XV. How it stands between the King of Arragon and the Kings of Portugal and the Romans

The King of Portugal much loves and favours him, but the King of Arragon has no trust in the King of the Romans

XVI. What authority Ferdinand, the Duke, hath.

July, 1505 Is a Mæstre de Sala to the King, and is taken to be an honest, wise, gentleman. But the Queen had been displeased for that he had taken too much rule in the Princess of Wales' household, and had told him she had sent him to England as her ambassador, and not to rule her daughter.

XVII What attendance the King hath, and what order he useth.

Many lords spiritual and temporal, also many knights, attend upon him Rises before 6, and by 8 hath heard two masses, after which he goes to dinner, where every man may see him. Is a good feeder, and drinks two great draughts of wine and water; never sits more than half an hour at table, and none sit with him. After he hath dined all the lords and others go to their own lodgings to dine

XVIII. To mark well his personage, and whether he be toward any marriage

Is of goodly personage, and right lusty of his age, for he is of the age of 55 or 56 Hath a smiling countenance, lisps because of a tooth he hath lost before, hath a little cast in the left eye, of a gross strong nature. They had been told at Blois that he should marry Madame de Foix, but had heard no mention of it in Spain

XIX. His substance and riches.

Reputed to be very rich, having during his Queen's life spent nothing of his revenues of Arragon and Sicily

XX What favour the men of war bear him

They much favour and love him.

XXI Whether there be any wars between him and the Moors, or in any other parts, and whether the realm of Naples be in obedience to him.

Of late he maketh war against the Moors of Barbary, and hath provided for an enterprise against them. The

realm of Naples is fully under his obeisance, but the July, 1505 commons there like not the Captain Gonsalo Fernandez.

XXII. Daily and nightly to put all things seen and heard of them in writing

ITEM · To confer with some substantial person or persons in the King's secret council about the espousals between the Prince and Princess of Wales, and the performance of the articles agreed to thereupon, as well for payment of the dowry as other things, and to note well the answer they receive

This article is answered in the communication with Almazan

19.

[*Extract from the instructions given by Louis XII to Sir Charles Somerset, Lord Herbert, Henry VII's ambassador in France, on his return to England, "Letters and Papers,"* ii 133-44, where the instructions are translated Henry's entry into the Holy League against France in 1496 had been little more than nominal, and after 1492 friendship with France was much more the keynote of his foreign policy than friendship with Spain. On Louis XII's accession in 1498 the treaties between the two realms were renewed (Rymer xii 681, 684-5, 688-90, 736, 762), and from that time to Henry VII's death there is hardly a diplomatic instrument relating to France except the regular receipts for the pensions Henry received. His main anxiety was to retain this pension and keep France and Spain at enmity. His marriage proposals to Louis XII were probably designed to counteract the marriage negotiation between Ferdinand and Germaine de Foix.]

XXIV.

Sur ce que Monsieur de Herbert, ambassadeur du roy July, 1505. d'Angleterre, a dit et declare de la part dicelluy seigneur au Roy son bon frere, que si icelluy seigneur se marie

July, 1505. ou prent alliance par mariage il desire plus soy¹ marier a ma damoysele dAngoulesme, tant pour la proximate du lignage dont elle actient au Roy, lequel est le prince du monde quil ayme le plus, comme aussi pour les grans biens et vertuz quil a entendu estre en icelle damoisele ; or est advisez pour le parfait et conclusion du dit mariage, et aussi pour accroissance et augmentation des bonnes et vrayes fraternite et alliance qui sont entre les dits deux princes, les pions et articles qui sen suivent.

Touchant le fait du mariage le Roy a este et est tres joyeux de ce quil a entendu du vouloyr du Roy son bon frere en ceste partie, car cest le personage du monde auquel il veult et desire le plus complaire, et en ce et en toutes autres choses, et le mercede de lonneur quil fait a sa niepce en ceste partie, la quelle il ayme et cherist comme si elle estoit sa propre fille , et tant pour ceste consideration comme aussi principalement pour lamour et affection quil a au dit roy son bon frere, et quil desyre bien que, oultre lamytie, fraternite, et alliance qui est entre eulx, y ait aussy affinite, il sera content de donner en dot en mariage a sa dite niepce, combien quelle ne soit sa fille, comme dit est, telle et semblable somme que ont accoustume davoir en dot et mariage les filles des roys de France , esperant aussi que iselluy Roy son dit bon frere fera tel et si bon party a sa dite niepce touchant son douhaire, estat, meubles, et joyaulx quil appartient a une royne dAngleterre en ensuyvant ce que monsieur de Herbert son ambassadeur en a dit et declare

Et pour tousjours mieulx continuer et entretenir la vraye bonne amytie, fraternite, et alliance qui est entre son dit bon frere et luy, desire, pour le bien et consola-

¹ Henry VII soon transferred his own suit to the Archduke's widow, Juana, and then to her sister-in-law, the Archduchess Margaret, and proposed his son for Margaret of Angoulême.

cion deulx deux, leurs royaumes et pays, que semblable July, 1505. fraternite, amyte et allience soyt de leur auctorite respectivement faicte, passee, et conclute entre monsieur le prince de Galles, filz dudict seigneur roy dAngleterre, et monsieur le duc de Valloys,¹ nepveu dudict seigneur, on cas quil nayt point denffant masle, et sil a enfant masle que la dite fraternite et allience soyt entre luy et le dit sieur prince de Galles, lequel des a present, de lauctorite, vouloir et consentement du dit seigneur roy dAngleterre son bon frere, sera avesques luy comme principal traictant compris en ce present traicte, fraternite et allience, et en baillera de lauctorite que dessus, ses lettres deuement expediees, et en fera les serments solempnelz. Et semblablement mondit sieur de Valloys, sy le Roy na enfant masle, de lauctorite, vouloyr et consentement du dit seigneur fera le semblable, et sil advient que le Roy ait enfant masle, en ce cas il sera tenu, de lauctorite du dit seigneur, de faire le pareil

Et est a entendre que lon desire pour le bien de toutes les parties ceste fraternite et allience, et celle que les dits sieurs, tant les roys comme messieurs les prince et duc, soyent comme une mesme ame en divers corps, amys dainys et ennemys dennemys, pour la garde, tuicion, deffence des royaumes et seigneuries quilz ont de present, tellement quilz sont tenus daider et secourir lun a lautre loyaument et de tout leur pouvoir en cas de deffence, pour la conservacion de leurs dits royaumes et pays contre tous ceulx qui les envayroient par voye de guerre et hostillite, et ce non obstant quelconques autres alliences quilz pourroient avoir faictes ou feroient cy apres, avecques quelconques autres princes, communaulte ou estat, a la quelle ilz renoncent quant a ce

Et pour la seurete et entretenement des dites fraternite anytie et allience, le Roy baillera ses lettres

¹ Afterwards Francis I

July, 1505. signees de sa main et scellees de son sceau, bien et deument expediees. Aussy fera nostre dit seigneur le duc de Valloys du vouloyr et auctorite du dit seigneur, comme dit est, et semblablement tous les princes et les principales et grosses villes et cites de ce royaume, que bailleront leurs lettres et scellez aus dits seigneurs roy dAngleterre et prince son filz, et avecques ce seront les dites fraternite et alliance publiees et enregistrees en la court de parlement a Paris Et semblables lettres de seuretez seront faictes et baillees de la part du dit seigneur roy dAngleterre et prince son filz

Item en oultre de ce seront tenuz les dits seigneurs roys, dedens troys moys apres les dits alliances faictes, supplier au Siege Appostolique, par leurs ambassadeurs et procureurs estans en cour de Romme ensemblement, de approuver et auctoriser le dits traictez et alliances, et de proferer la sentence dexcommunication *ipso facto* contre celuy des dits princes qui y contreviendra, et de supposer les royaume et pays du contrevenant a interdit et cessation *a divinis*, jusques a ce quil ait le tort fait remis et repare, selon et ensuivant la forme et contenu es cappitulacion des dits amytez et alliances, et ce non obstant quelzconques privileges que les dits seigneurs et leurs royaumes puissent avoir, ores ne pour le temps avenir, de non estre subgetz ausdites censures et interdit, ausquelz, quant a ce, ilz renoncent et promectent de non eulx en aider

Touchant le voiage de Jerusalem, le Roy a eu tres grant et singulier plaisir davoir sur ce entendu par monsieur de Herbert le bon saint et louable vouloyr et propos dudit Roy son bon frere, lequel en faet tres grandement a recommander et mercier par les bons et loyaulx Catholiques; et, de sa part, len mercye affectueusement, ladvertissant que en ce son vouloyr et desyr est correspondant a celluy de son dit bon frere, et

quil a tousjours desyre sur toutes choses, comme encores July, 1505. fait, de pouvoir avoir le moyen, opportunité et occasion de pouvoir en ce faire quelque service a Dieu et bien a la Chrestiente; ce quil a fait jusques icy a son povoir, et na pas tenu a luy quil ne sy est plus grandement acquiete et emploie. Maiz les tres grans affaires et occupacions quil a quasy continuellement eues depuis son advenement a la couronne ne luy ont pas permis de satisfaire a son desyr en ceste partie et icelluy acomplir, maiz il espere que, a laide de Dieu et de son dit bon frere et aussy du roy de Portugal, que faut bien a recommander du bon vouloir quil se dit et demonstre avoir en ceste chose, il espere quilz feront par ensemble quelque bonne et grande chose a lonneur et louenge de Dieu, exaltacion de la foy Chrestienne, bien et reputacion deulx, soyt par y aller en leurs personnes on y envoie selon que les affaires deulx et de leurs royaumes le permectront, et que par eulx sera advise et conclud a la veue qui se fera es mectes de Boulongne et de Calais de son dit bon frere et de luy, au moys de mars qui vient, a laide de Dieu, selon ce que le dit seigneur a plus a plain declare au dit sieur de Herbert

Et en tant que touche le fait des marchands de Angleterre, le Roy les a des a present fait depescher par ses lettres pactentes a leur contentement, et les traictera tousjours par facon quilz auront cause deulx contenter, et selon ce quil vouldroyt que le Roy son bon frere traictast les marchans de son royaume.

Quant au recouvrement de Aymon de La Poulle,¹ le Roy envoie presentement le sieur de Teligny, son chambellan et seneschal de Rouerge, devers monsieur de Gueldres, pour luy faire entendre que, jacyot ce quil luy eust fait savoir par Jaques Boucher son secretaire,

¹ Edmund de la Pole; see above, vol. 1 Nos 153, 155, 164, 176, 182-3, 189.

July, 1505. lequel le dit seigneur avoit nagueres envoye tout expres-
sément par devers le duc de Gueldres pour le recouvre-
ment du sieur De la Poulle, quil ne pouvoit sur ce
bonnement faire response audit sieur jusques au retour
dun sien secretaire, lequel il disoyt avoir envoye devers
le roy dAngleterre, que neantmoins le dit seigneur a
este adverty au vray que le duc de Gueldres navoit point
envoie pour ceste matiere devers icelluy seigneur le roy
dAngleterre, maiz avoit envoye devers le roy dEscosse,
non pas pour ceste matiere principalement, maiz pour
estre aide et secouru de luy. Et sur ce il appert par
la response que luy en a faicte le dit roy dEscosse, le
double de laquelle le dit Thelgny portera avecques luy
(dont le dit seigneur se donne merveilles, veu et con-
sidere mesmement que le dit sieur de Gueldres a este
par plusieurs et souventes fois adverty, tant par les gens
que le Roy a envoye devers luy que [par] les lettres quil
luy a escript pour ceste cause, et aussy que son chan-
cellier luy a peu et deu signifier, par lordonnance du dit
sieur) que il na eu et na autre regart a luy complaire en
ce, et semblablement audit roy dAngleterre son bon
frere, laffaire duquel il a autant et plus a cuer que les
siens propres. Et pour ce luy dira le dit Thelgny, pour
toute resolucion de la part du dit seigneur, que, sil luy
veult jamaiz faire plaisir ne complaire et avoir aide ne
secours de luy et quil se mesle de ses affaires, quil
advise le moyen de luy mettre en ses mains le dit De la
Poulle, et en ce faisant le dit seigneur laidera, parlera,
secourra et favorisera en tous ses affaires de toute sa
puissance, et avecques ce le dit seigneur roy dAngleterre
luy fera delivrer quelque bonne raisonnable somme de
deniers, telle quil sera advise par le Roy, pour les fraiz,
mises et despences quil luy a cydevant convenu faire et
supporter pour la garde du dit De la Poulle. Et ne
doubte point le Roy que a sa requeste, et aussy pour

amour du dit sieur de Gueldres, le dit roy dAngleterre July, 1505. son dit bon frere, lequel est prince de tres grant vertu et misericorde, ne saulve la vie du dit De la Poulle sans luy faire autre desplaisir de sa personne, comme il a fait a plusieurs, lesquelz sestoient retirez en son royaume, quil luy a fait delivrer, et sans cela neouldroit icelluy seigneur faire delivrance du dit De la Poulle

XXV.

Sur ce que monsieur de Herbert, en respondant au roy, touchant le pourparle du mariage dentre le roy dAngleterre son bon frere et madamoyselle dAngolesme, seur de monseigneur le duc de Valoys, a dit et declare au Roy que le dit roy dAngleterre desirant lamytie et affinite par mariage avecques la dite damoyselle, et la preferer a toute autre, quelque offre qui luy soyt faicte, en luy baillant en mariage autant quil luy est offert par le roy dEspagne, lequel luy offre une sienne niepce et deux cens mille escuz et grant heritaige; le dit seigneur respond quil en mercye tres affectueusement le dit roy dAngleterre son bon frere, et veult bien que chacun saiche et entende que, sil avoit encores une fille deage pour luy, quil la luy bailleroit tres volontiers, comme au prince de la Chrestiente quil a le plus extime et ayme, et que plus il extime et ayme. Et que au regard de madite demoyselle dAngolesme il ne lextime ne ayme riens moins que si elle estoyt sa propre fille, et que pour ceste consideracion luy vouloyt bailler tel et semblable mariage quon a acoustume bailler aux filles de France, qui est de cent mille frans. Et neantmoins, combien quil pourra sembler estrange a la plus part des gens de son royaume dexceder le dit mariage, et bailler a sa niepce plus grant mariage quon na acoustume bailler aux filles des roys, toutes foyz, pour la grande et singuliere amour et bien vueillance quil a au dit roy son

July, 1505. bon frere, et les grans vertuz quil congnoist estre en sa personne, et lesperance quil a quil traictera bien sa dite niepce, et pour tousjours nourrir, entretenyr et accroistre lamytie qui est entre eulx, sera content de bailler en dot et mariage a sa dite niepce la somme de cent mille escuz dor, qui sont huit vings quinze mil frans, qui est beaucoup plus que lon na parcydevant acoustume de donner aux filles de France (pose ores quelles aient este a roys), et oultre de ce labillera ¹ et fera bien tres honnorablement acompaigner a ses propres coustz et despens, comme si elle estoit sa propre fille, jusques a Calays.

20

[Thomas Lopez to Emmanuel, King of Portugal, Gairdner's "Letters and Papers," ii 146-7]

Mons,
10 October,
1505.

Sire, the king of England is treating to get married in France to the daughter of the count of Angoulême, the Dauphin,² or to his mother,³ and he has sent thither for that purpose lord Somerset⁴ his ambassador, he is also trying to marry his daughter⁵ to the same Dauphin, and is using great efforts for it. And he is treating very secretly in this house to marry his son the prince of Wales to the daughter of king Philip,⁶ with whom

¹ l'habillera ² Afterwards Francis I. ³ Louise of Savoy

⁴ Charles Somerset, illegitimate son of the last Beaufort, Duke of Somerset, and ancestor of the Somersets, Dukes of Beaufort

⁵ Mary, afterwards betrothed to Charles, the future Emperor, and married (1) to Louis XII, and (2) to Charles Brandon, Duke of Suffolk.

⁶ Philip and Juana had four daughters. (1) Eleanor, wife successively of Emanuel, King of Portugal, and of Francis I of France, (2) Isabella, wife of Christian II of Denmark, (3) Mary, wife of Lewis II of Hungary, and (4) Catherine, wife of John III of Portugal. It is one of the curiosities of eugenics that the "mad" Juana should have given birth to six children, including the Emperors Charles V

it was treated and promised some days ago when the cardinal here came for the said Dauphin, which makes it likely that the marriage with the infanta Catherine will be undone, as it weighs much on his conscience.¹ October,
1505

The said king of England gives well to understand that he is asked by your highness for his daughter for the prince your son ;² he will make his choice where best he may. It appeared to me proper to write it to your highness , for with these kings all here use a great deal of underhand dealing, and your highness is reputed by them for the most sincere and above all intrigues

21

[An epitome of the treaty of alliance between Henry VII and Philip, Archduke of Austria and King of Castile (in the right of his wife, Juana), " Spanish Cal , " i 452-3 The treaty is given in full in Rymer, xiii 123. The death of Queen Isabella left Castile an apple of discord between her husband Ferdinand and her son-in-law Philip Ferdinand's treaty with Louis XII, concluded at Blois, 12 October, 1505, for alliance and marriage with Germaine de Foix (" Spanish Cal , " i 450) inclined Henry VII to side with Philip, who on his side was anxious for Henry's financial and moral support on his journey to establish his authority in his wife's dominions (see above, Vol. 1, No 175), and also to secure the Netherlands from attack during his absence (" Venetian Cal., " i No 860)

A. A true friendship and alliance between Henry, his heirs and successors, on the one part, and Philip, his heirs and successors, on the other part, is concluded It is to last for all time to come. Windsor,
9 February,
1506

1 Henry therefore binds himself, his heirs and Ferdinand I, most of them long-lived and healthy, and rulers of considerable ability. Few sane queens have been so fortunate in their offspring On the other hand, Juana's grandmother was afflicted like herself

¹ It is clear that Henry VIII did not originate conscientious scruples about his marriage with Catherine of Aragon.

² Afterwards John III.

February,
1506.

cessors, never to undertake or to favour any enterprise which might be prejudicial to his brother and son, King Philip, his heirs and successors. On the contrary, he, his heirs and successors, will discountenance any such undertaking in prejudice of King Philip

2. Henry binds himself, his heirs and successors, not to assist in any way the enemies of King Philip his heirs and successors. If any person, whoever he may be, and without distinction, whether he be an ally and confederate of England or not, should undertake to invade the dominions which the King of Castile now possesses, or which he, his heirs and successors, in future should have a right to possess, or if anyone should attempt to do what would be prejudicial to the King of Castile with respect to the undisturbed possession of his dominions, in such a case Henry if requested, is bound to send him, without delay, such an army in succour as he may be able to spare, and as the circumstances may demand, the King of Castile, however, paying the expenses

3. With respect to the safety of the person and the states of the King of Castile, the King of England binds himself, his heirs and successors, to be "a friend of the friends, and an enemy of the enemies of the King of Castile". This promise is made notwithstanding all the alliances with other Princes which Henry now has, or in future may contract. Henry binds himself to take care of and to favour the person, the estate, the honors, the dignities, concerns, property and affairs of King Philip, exactly in the same manner as a good father takes care of the affairs of a beloved son.

4. Henry binds himself, his heirs and successors, not to assist the rebels, fugitives, and exiles of the King of Castile, but on the contrary, to treat them as he would treat his own rebels, etc

5. Henry binds himself, his heirs and successors, ^{February, 1506.} not to permit the exiles, fugitives and rebels of the King of Castile to stay in his dominions. If they should be in future found in the dominions of England he promises to have them arrested, and to see them conducted in chains to a safe prison, where they are to be kept in security. That done he would write to the King of Castile. If the King of Castile wished to have his rebels delivered to him, Henry would send them to the frontier in order that they might be there handed over to the commissioners of King Philip. Even if the rebels should have been by force detained in England, or be driven to the English coast against their will, they are to be subjected to the same treatment.

6. If the King of Castile should inform Henry in a letter, signed by himself, that some of his rebels are staying in England, Henry promises to have them arrested, and delivered to such persons as the King of Castile should commission to receive them.

7. In case that Henry and Philip should have begun a common war, Henry binds himself not to conclude peace with the enemy or enemies without the consent of the King of Castile.

8. As the King of Castile has delivered to Henry a document, signed and sealed by him, in which he makes similar promises to those contained in this paper, Henry promises on his word of honour, and swears on the real wood of the cross of our Saviour a most solemn oath to fulfill all and every of the above stated clauses.

B Philip binds himself, his heirs and successors, exactly in the same manner towards Henry, as Henry binds himself with respect to Philip. There is, however, added what follows.

Has concluded this treaty in his name and in the name of his father, the King of the Romans.

February
1506.

Promises that the King of the Romans will ratify this treaty within four months, and send the ratifications to England.

Should the King of the Romans not send the ratifications within the time stipulated, the treaty remains in full force, as far as Philip, King of Castile, and his heirs and successors are concerned.

22.

[Treaty with Philip for Henry VII's marriage with Margaret, Archduchess of Austria, and widow of (1) the infante, Don Juan, son of Ferdinand and Isabella, and (2) Philibert II of Savoy, "Spanish Cal.," i. 455, see also Rymer, xiii. 127-32. The treaty was ratified by Henry on 15 May, 1506.]

London,
20 March,
1506

King Henry and King Philip have concluded a treaty of marriage between the King of England and the Archduchess Margaret. With respect to that treaty, the ambassadors of King Henry, namely, William, Archbishop of Canterbury, Richard, Bishop of Winchester, and Thomas Dokwra, Prior of St. John in Jerusalem in England, conclude the following clauses with the ambassadors of the King of Castile.—

1. The King of Castile binds himself to pay to the King of England 300,000 crowns, each crown of 4 shillings sterling, as the marriage portion of the Archduchess Margaret. Of this sum of money 100,000 crowns are to be paid within fifteen days before the departure of the Archduchess for England, and at all events before the last day of August 1507.

2. The remaining portion of the dower is to be paid in six annual instalments of 33,333 crowns each.

3. Philip promises punctually to pay the 18,850 crowns a year, to which the Archduchess Margaret is entitled as her jointure in Spain. He, moreover, binds himself to pay to Henry 12,000 crowns a year instead

of the revenues from the towns, castles and lands which have been assigned to the Archduchess in Savoy as her jointure. This sum of 30,850 crowns a year cannot be revoked, and the King of England has a full right to employ it for his personal use, and in any way that he likes. March,
1506.

4 King Philip binds himself hereafter to sign, ratify and swear this treaty, and to deliver the ratification to the ambassadors of King Henry

5 Securities to be given by Flemish noblemen and Flemish towns,

6. Which shall be delivered in London before the 1st of August next.

7. King Philip binds himself to declare, in presence of a judge or tribunal selected and commissioned for that purpose by the Pope, that he is bound strictly to fulfil this treaty, and especially the clauses respecting the money. This declaration is to be made on or before the last day of June next. King Philip is further to request the judge or tribunal commissioned by the Pope, to excommunicate him if he do not punctually pay the money to Henry

8 Within one month the above securities shall be delivered, the King of England is to contract a marriage *per verba de presenti* with the proxies of the Archduchess Margaret

9. The King and Queen of Castile bind themselves to consent to the marriage of the King of England with the Archduchess Margaret, and to permit the proxies of Henry to conclude a marriage *per verba de presenti* with the Archduchess Margaret.

10. The King of Castile promises to send his sister, the Archduchess Margaret, at his own expense, to the town of Greenwich within one month after the first instalment of 100,000 crowns has been paid.

March,
1506.

11. King Henry promises to perform the marriage ceremonies according to the rites of the Church within one month after the arrival of the Archduchess at Greenwich.

12 Should the Archduchess Margaret die after the solemnization of the marriage, but before the whole sum of the 300,000 is paid, in such a case, if there be any issue from the marriage, the whole dowry is to be paid as though the Archduchess had not died. If, on the contrary, there is no issue, the instalments due after her death are not to be paid.

13. Henry is to assign by letters patent to the Archduchess Margaret the castles, manors, lands etc. which are to form her jointure. The jointure is to amount to 20,000 gold nobles a year; and the Archduchess, if she should become the widow of King Henry, is to be at liberty to spend her revenues from the English, Spanish, and Savoy dowry wherever she likes, except in the country of a declared enemy of England.

14. The Parliament is to confirm this, and to guarantee the punctual payment of the jointure.

15. The heirs of the Archduchess Margaret are not to have the right to demand from Henry repayment of her marriage portion, or any portion of it.

16 If the Archduchess should die without issue before the King of England, in such a case Henry binds himself to pay to the Archduchess,¹ or to her heirs;—

a. If three instalments of her marriage portion have been paid at the day of her death, the sum of 5,000 nobles;

b. If the fourth instalment has been paid, the sum of 10,000,

¹ The point is clumsily expressed; the archduchess is mentioned in order to give her the right of disposing by will of her interest in sums which only accrued after her death.

c If the fifth instalment has been paid, the sum of ^{March, 1506} 15,000 nobles, and

d. If the sixth and last instalment has been paid, the sum of 20,000 nobles. The Archduchess is to be at liberty to dispose of these sums by will as she likes.

17. The Archduchess is at liberty to dispose by will of her jewels and ornaments

18 The children begotten in the marriage between the King of England and the Archduchess are to succeed to all such inheritances in Spain, Flanders etc as the Archduchess may become entitled to.

19 King Philip is to request the Pope to confirm this treaty, and to excommunicate his person and his dominions in case he should not fulfil it.

20 King Philip will employ all his influence with his sister to persuade her to consent to this marriage. Her consent to it is to be delivered to the ambassadors of England before the 1st of August next.

21 The King of the Romans has given full power to King Philip to conclude this treaty in his name also. ¹

22 The King of the Romans is, therefore, to ratify this treaty of marriage, and his ratification is to be exchanged in London on or before the 1st of August next. The King of the Romans is further bound to use all his paternal influence over the Archduchess Margaret in order to persuade her to consent to this marriage. Should, however, the King of the Romans object to any of these clauses, or even to the whole treaty, this treaty of marriage is nevertheless to remain in full force between King Philip, Queen Juana and King Henry.

23. The King of England, on the 9th of February, concluded a treaty of friendship and alliance with the King of Castile, and the Queen of Castile gave her full

¹ By an instrument dated 16 November, 1505.

March,
1506.

consent to the said treaty on the 12th of February. The King of Castile binds himself to ratify once more the said treaty of the 9th of February, and the ratification of it by the Queen of Castile, dated the 12th of the same month. The Queen of Castile, on her part, is likewise bound once more to ratify the treaty of the 9th of February, and the additional clauses to it after the 12th of February last. These new ratifications are to be delivered, within four months, in the town of Calais, to the ambassadors of King Henry

24. The King of England binds himself to ratify once more the said treaty of alliance and its additional clauses. His ratification is to be delivered to the commissioners or ambassadors of the King of Castile within the time of three months in the town of Calais.

23.

[Maximilian to Henry VII respecting the treaty of marriage with Margaret, "Letters and Papers," ii 153 (with translation)]

Vienna,
20 July,
1506.

Tres hault, trespuissant et tres excellent prince, nostre trescher et tresame frere, nous avons entendu que jaçoit ce que eussiez delibere et concludus, en ensuivant le traicte que nostre tres cher et tres ame fils le roy de Castille a fait avec vous, touchant lalliance de mariage dentre vous et nostre tres chiere et tres amee fille, Marguerite dAustrie et de Bourgoingne, duchesse douaigiere de Savoye, denvoyer vos ambassadeurs en nostre ville de Malines au jour et feste de St Jean Baptiste derrenier passe, pour illec conclure et parfaire avec les commis et deputez de nostredit fils ce que reste encorres a besoigner dudit traicte. Touttesvoies vous avez differe et differez de ce faire ; et pour ce, treshault trespuissant et tres excellent prince, nostre tres cher et tres ame frere, que desirons de tout nostre cueur icelle

alliance estre mise a perfection, nous vous requérons July, 1506.
affectuellement que vueilliez envoyer vosdits ambassa-
deurs audit lieu de Malines pour besongner et conclurre
sur les choses dessusdites

Nous avons desja envoye nos deputez et ambassa-
deurs pardela pour estre a ladite journee de Malines,
et ne trendra a nous en façon nulle que icelle alliance
ne soit consompmee, Dieu en ayde, auquel nous prions
qui, treshault trespuissant et tres excellent prince, vous
ait en sa sainte garde.

24.

[Charles of Egmont, Duke of Guelders, to Henry VII, "Letters and
Papers," ii 164-7 (with a translation) It was a life-long
struggle with Charles to establish himself in the Duchy of
Guelders in face of Habsburg opposition, it began in 1487 and
lasted till Charles's death in 1538 He had surrendered the
Earl of Suffolk to Philip as part of the price of a temporary
peace (see above, vol. i Nov, 175-6)

Sire, le plus tres humblement que faire puis a nostre
bon grace me recommande

Sire, j'ai receu vostre lettre par Norcey [Norroy], vos- Zutphen,
tre roy darines, ^{9 August,} ¹⁵⁰⁶ laquelle jay entendu au moins mal que
jay peu, et par icelle assez comprins ladvertissement que
Monsieur de Chievres, heutenant du roy de Castille,
vous a fait de moy, contenant que je dois estre cestuy
qui contreviens a lencontre du traicte jure entre le roy
et moy depuis son aller en Espagne, devrois avoir
pris une ville de son obeissance et encommence la
guerre en son pays; parquoy me donnez a congnoistre
que pour lamour, affection et aussi la fraternele amitie
qui est entre vous et luy, estes tenus et obligez de don-
ner secours lun a lautre contre ceux qui voudroient
mouvoir guerre aux pays et obeissances diceulx; et pour
ce madvertissez de vouloir cesser la guerre que je dois

August,
1506.

avoir encommencee et prendre quelque bon appointement avecques le Sire de Chievres, lieutenant, et que si quelque difficulte en traictant y avoit entre luy et moy, et je vous en advertisse, que vous vous y voudrez employer a les vuder selon la raison, et au contraire, se je continues a la guerre, questes delibere de le deffendre, comme estes tenu par ledit appointement, de ce faire, avecques plusieurs aultres vos advisements desquels, sire, je vous tiens records.

Sire, au regart du point que mescripvez que je cherchasse quelque bon appointement avecques le dit Sieur de Chievres, et que voudriez vuyder les difficultez selon la raison, de ma part tres humblement vous en remercye comme celsuy que lon trouvera a tousjours prest en toutes raisons.

Sire, sur ladvertissement et rapport que le dit Sieur de Chievres vous a fait de moy, vous supplie tres-humblement entendre ma responce, qui este telle, que je ne suis cestuy qui a enfraint l'appointement ne commence la guerre, mais le contraire est la verite, que lenfrainte et la commencement de la guerre vient du couste du roy de Castille, ses servitans et subgets, comme, sire, je vous envoie, et par lesquels congnoistrez le tort que lon me faict, duquel seray tousjours prest faire apparoir quant lon voudra. Parquoy, sire, jay queru secours, et, par la grace de Dieu, me suis dispose a deffendre le mien, esperant, sire, que ne trouverez en moy occasion de souffrir moy faire aucuns tors, mes moy garder en droit et raisons comme vostre tres humble povre parent et serviteur la ou je saurois et pourrois.

25.

[Henry's answer to No 23, "Letters and Papers," ii. 155-64 (with translation)]

Greenwich,
12 August,
1506.

Tres hault tres excellent et trespuissant prince, nostre tres chier et tres ame frere et cousin, nous recom-

mandons a vous tres affectueusement et de bon cuer. ^{August, 1506.}
 Puis trois jours avons receu vos lettres que nous avez
 escriptes de Vienne du xx^e jour de Juillet, par lesquelles
 nous signifïiez de ladvertissement que vous avez eu du
 traicte qui a este fait et conclu entre nostre tres chier
 et tres ame frere et cousin le roy de Castille vostre fils
 et nous, touchant lalliance de mariage dentre nous et
 nostre treschere, tresamee bonne cousine la duchesse
 douaigiere de Savoye vostre fille. et jaçoit que nous
 eussions delibere et conclu en ensuiant ledit traicte,
 denvoyer nos ambassadeurs en la ville de Mahnes au jour
 et feste de St Jean Baptiste derrenier passe, pour illec
 conclurre et parfaire avec les commis et deputez de
 nostredit cousin vostre fils ce que reste encoires a be-
 soingner dudict traicte, ce que avons differe et differons de
 ce faire ; nous requérant, pour le desir et affection que
 vous avez que icelle alliance soit mise a perfection, que
 vueillons envoyer audit lieu de Mahnes nosdits ambas-
 sadeurs pour besoingner et conclurre sur les choses des-
 susdites, disant que vous avez envoye desja vos deputez
 et ambassadeurs par dela pour estre a ladite journee, et
 que a vous ne tiendra en façon nulle que icelle alliance
 ne soit consompnee

Treshault tres excellent et tres puissant prince, nostre
 trescher et tiesame frere et cousin, nous vous mercyons
 le plus a certes et de bon cuer que faire povons, du bon
 vouloir et courriage que demonstrez avoir tousjours en-
 vers nous, et povez estre certain que a nous na tenu ne
 tiendra que toutes choses conclutes et promises ne soient
 entierement parfournées et accomplies.

Et en tant que povons appercevoir par vostredite
 lettre, vous nestes pas infourme ne acertene a la vraye
 vente comme les matieres ont este et sont conclutes,
 passees et accordees entre nous, et le roy nostredit cousin
 vostre fils par noz et ses commis et deputez en ceste

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partie, chascun en vertu de leurs pvoirs ; car en ce ne reste aucune chose a conclurre ny parfaire par quoy soit aucun besoin denvoyer nosdits commissaires audit lieu de Malines ne ailleurs aumoins pour ceditte affaire.

Et pour ce que nous desirons bien que vous cognoissez et entendez clerement les matieres comme elles sont a la verite, vray est quil y a eu entre nous et luy trois traictez passez et accordez , dont le premier est de nostre nouvelle amitie, le second du mariage dentre nous et nostre bonne cousine vostre fille, et le tiers touchant lentretienement de la marchandise dentre nos subgets et les siens ; et fut veritablement ladite amitie en tout conclu, passe, scelle et solempnellement jure et publie devant son departement hors de nostre royaume, et au mesme jour que luy et nostre fils de Galles receurent les ordres de la Jarretiere et de la Thoison.

Et quant au second traicte de mariage, icelluy fut semblablement accorde entre nous et luy devant son dit departement, et deimpuis entierement conclu et passe par escript et scelle entre nos dits commissaires et les siens ; aussy fut fait deslors ledit traicte de lentrecours de la marchandise, le tout par le pvoir de leurs commissions. Tous lesquels traictez devoient de la part dicelluy nostre bon cousin vostre fils, et du nostre, estre mnovez et confermez par ses et nos lettres patentes, signees de nos mains, et scellez de nos grans seaulx, et delivrez en nostre ville de Calais aux termes limitez qui sensuyvent ; assavoir, celles dudit mariage dedans le xx^e jour du mois de juin derrenier passe, celles de linnovation de nostredite amitie dedans le xx^e jour de juillet aussy derrenier passe, et les autres, confirmatoires de lentrecours, dedans le derrenier jour dudit mois de juillet derrenier prouchain passe

Et combien que nous envoyasmes, avant ledit premier jour de juin, nos commissaires en nostredite ville de

Calais, avec tous lesdits traictez, souffisamment aucto-
risez pour les delivrer a ceulx du roy vostre fils, en recevant les siennes de mesme et pareil affect en ensuivant les dits traictez, feismes demourer et resider continuellement a cest intention nosdits commissaires en nostredite ville, depuis le premier jour que se devoit faire la tradiction et delivrance desdites premieres lettres, jusques au troisieme jour de ce present mois daoust ; ce nonobstant, lesdites lettres confirmatoires de la part du roy vostredit fils ny ont este pour le premier jour, le second, ne le tiers este apportees, ne pareillement les lettres confirmatoires de nostre saint pere le pape, touchant ledit mariage sur les censures ecclesiastiques qui sont requises par ledit traicte, aussy les lettres obhgatoires pour le payement des sommes promises et accordees par le roy vostredit fils pour le dot dicelluy mariage, selon quil est contenu dedans ledit traicte, nont este delivrees, semblablement nous navons rien sceu ne entendu de nostre bonne cousine vostre fille, laquelle par icelluy traicte nous devoit faire savoir par escript son vouloir et intention sur ledit traicte de mariage endedans ledit premmier jour de ce mois.

En vous advisant au surplus, treshault, tres excellent et trespouissant prince, nostre trescher et tres ame frere et cousin, que nous avons de la part dicelluy nostre bon frere et cousin vostre fils, este par son lieutenant general et chancelier, tres instantement requis vouloir par deux ou trois fois prolonger les jours et termes de la tradiction desdites lettres, assavoir, lune des fois jusques a la fin dudit mois de juin passe, lautre fois jusques a la fin dudit mois de juillet, et la derreniere fois jusques a la fin de cedit present mois : ce que leur avons tres volentiers a toutes lesdites fois concedez et octroyez afin que vous, et le roy nostredit bon cousin vostre fils, et pareillement nosdite bonne cousine vostre fille, congnoissez

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et entendez parfaitement le bon vouloir et affection que nous avons a la conclusion des choses conclutes et traictees, esquelles, de nostre couste, ny en aucun default ou negligence, car nous navons point ou temps passe, ny navons pas ceste voulente pour le temps advenir, de faillir ou contrevenir a chose quelconque que nous avons une fois promis, passe et accorde, ou que passerons et accorderons avecques quelque prince que ce soit; mais suysmes entierement resoluz et bien deliberez le tout entretenir, observer et garder, et sans aucunement enfreindre nostre promesse.

Et comme nous vous avons signifie puis six jours ença par nos lettres escriptes en latin, que ladite journee qui se devoit tenir a Malines, entre vos dits ambassadeurs et les nostres estoit pour aucunes matieres secretes, desquelles le roy vostre dit fils nous fist ouvertures, lui estant par deça, et dont il vous escrivit lettres de sa propre main et les nous monstra avant que de les clorre, faisant recit en icelles quil vous prioit que avant ledit jour de la St Jean vous nous feissiez sur ce savoir par escript vostre intention, et ce fait, devons adont envoyer audit lieu nos dits ambassadeurs pour icelles matieres secretes, et non pas pour chose qui touchoit le fait dudit mariage, ne des autres traictez precedens, lequel, comme dit est dessus, estoit et est entierement et parfaitement conclu, passe et accorde, et ne reste aucune chose a parfaire de ceste dite matiere, fors seulement la delivrance desdites lettres confirmatoires et obligations, et congnoistre lintention de nostre dite bonne cousine, vostre fille par son escript, et sy default y a eu jusques a ores, vous povez bien entendre par ce que dessus, que ce ne procede aucunement de nostre part.

Et quant a lenvoy de nos dits ambassadeurs a Malines pour ladite matiere secrete, sy vous revisitez la lettre que le roy vostre dit fils vous escrivy de sa main,

vous appercevrez que la matiere pourquoy ladite journee ^{August, 1506} se devoit tenir est autrement changee quelle nestoit alors, parquoy nous semble que la chose ne requiert pas si grand haste comme elle faisoit adont

Neantmoins, quant les choses qui ont este conclutes entre nous et le roy nostredit bon cousin vostre fils seront envoyees et delivrees selon le contenu des dits traictez, adont suysmes tenuz et obligez par iceulx denvoyer dedans ung mois apres vers nostredite bonne cousine nos ambassadeurs, souffisamment auctorisez pour et en nostre nom faire le contract dudit mariage par parole de present, ce que nous avons este tousjours, de nostre part, prests et deliberez de faire, et cela une fois fait et accomply, nos dits ambassadeurs auront charge et pouvoir de par nous de communiquer et traicter plus avant de ladite matiere secrete avecques les vostres et les siens Priant, au demeurant, nostre Seigneur quil vous vueille, tres hault tres excellent et tres puissant prince, nostre tres cher et tres ame frere et cousin, conserver et de bien en mieulx entretenir en sa tres sainte et digne garde.

26

[Philip's envoy at Louis XII's court, Couteville, to the King of Castile, Van der Bergh's "Correspondance de Marguerite d'Autriche," p 65]

Sire, sur toutes choses metés paine d'entretenir le ^{Tours,} roy d'Engleterre en l'amité que avés avecque lui posé, ^{21 August, 1506.} ores qu'il ne se déclare anemi de France Les Fransois sont en unne doubte si merveilleuse que à vostre . . .¹ les Englès ne pasent la mer, que desja ils se tiennent à demi perdus, et s'il plet à dieu que domptes vostre

¹ Supply some word like "instance", "the French are in such marvellous fear lest at your instance the English cross the sea, that already they consider themselves half ruined."

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anemi mesure Charles d'Esgeemont, vostre majesté sera crainte de toutes nacions.

27.

[Louis XII to Henry VII, "Letters and Papers," i: 289-93 (with translation).]

Blois,
31 August,
1506.

Treshault et trespuissant Prince, nostre trescher et tresame frere et cousin, a vous tres affectueusement et de bon cueur nous recommandons Et vueillez savoir que nous avons receu les lettres que nous avez escriptes, tant par messire Francois Marezen¹ chevallier, vostre familier serviteur, que par Mace de Villebresme nostre varlet de chambre. Et par eulx avons amplement et bien au long entendu toutes les choses que de vostre part ilz nous ont dictes et declairees, et mesmement le desir, vouloir et affection que vous avez a lentretenement et continuacion de la bonne amytié, confederacion et fraternelle intelligence qui est entre nous, de quoy tant et si cordialement que faire povons nous vous mercions. Et vous advertissons que de ce navons jamais eu et navons aucun doubte, et nous en sommes tousjours tenuz et tenons aussi certains que de nostre propre fait, et jusques icy effectuellement en toutes choses avons bien congneu vostredit bon vouloir Aussi de nostre part soiez sceur, treshault et trespuissant prince, nostre trescher et tresame frere et cousin, que vous nous trouverez a jamais en telle et semblable voulente sans variacion quelconque; car nous avons desire et desirons lentretenement de vostredite amytié

¹ See Van der Bergh's "Correspondance de Marguerite d'Autriche," No 13, p 41, "Instruction donnée par le roi d'Angleterre, Henry VII à François Marezan qu'il envoyoit vers le roi Louis XII pour lui persuader de ne point soutenir le parti du duc de Gueldres contre Philippe I, roi de Castille, 12 Août, 1506," also *ibid.* pp 73-8.

et alliance pardessus toute aultre, et icelle inviolable-^{August, 1506}
ment garder; vous priant tant et de si bon cueur que
faire povons croire fermement que vous nous trouverez
a jamais vostre bon, loyal, et entier frere

Et pource que nous avons entendu, tant par ce que nous a dit vostredit serviteur, comme aussi par les lettres que avez envoyées par ledit Villebresme, le desir et affection que avez a ce que le different qui est entre nostres tres cher et tresame frere et cousin le roy de Castille et nostre cousin le duc de Gheldres se puisse appaiser par voye et moyen amyable, en delaissant les voyes de fait et hostillitez, pour les causes et considerations que vostredit serviteur nous a dictes, lesquelles trouvons tres bonnes et raisonnables, et en ensuyvant icelles sommes deliberez de a ce nous employer de nostre part. Et pour a ce mieulx et plus tost parvenir avons envoye a toute extreme dilligence et en poste, ung de noz varletz de chambre pardevers nostre cousin de Gheldres, pour sur ce luy declairer nostre vouloir et intencion qui est semblable et conforme au vostre, assavoir de prendre quelque bon moyen et expedient pour parvenir a paix en ceste matiere. Et entre aultres nous semble que si nostre dit frere et cousin le roy de Castille, et nostredit cousin de Gheldres vouloient entierement soubz mettre tous les differends qui sont entre eulx sur vous et nous (ce que croyons que nostre dit cousin de Gheldres fera), seroit le bien et prouffit deulx. Car nous sommes sceurs que vous et nous leur garderions a chacun ce qui leur appartiendrait par raison. Et par ce moyen cesseroient les voyes de fait de hostillite. Et soubz cest espoir avons incontinent contre-mande et fait arrestez la plus grosse bande, que envoyeons a nostredit cousin de Gheldres, laquelle estoit sur l'extremite des marches et frontiere de nostre royaulme. Et se plustost eussions este advertiz de

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vostre desir sur ce, neussions laisse partir ceulx qui desja estoient passez. Esperant aussi que de vostre part ne laisserez point partir les vostres jusques a ce que aurez certaines nouvelles de ce que nostredit varlet de chambre aura besoingne devers nostredit cousin de Gheldres, ce que esperons avoir dedens dix ou douze jours au plus tard, pendant lequel temps avons este daviz que vostre dit serviteur deust icy demourer, lequel despescherons incontinent que aurons responce de ce que dit est. Et avecque luy enverrons quelquun de nos privez serviteurs pour de ce et aultres choses vous advertir plusamplement de nostre part Priant Dieu a tant, tres-hault et trespuissant Prince, nostre tres cher et tresame frere et cousin, qu'il vous vueille tenir en sa saincte et digne garde.

[Henry VII to Philip, King of Castile, "Letters and Papers," i
294 300 (with translation)]

Guildford,
16 September,
1506.

Treshault et trespuissant prince, nostre trescher et tresame frere cousin et bon filz, a vous nous recom-mandons tant affectueusement et de bon cueur que faire povons Depuis les derrenieres lectres que vous avons escriptes de nostre chateau de Windesore, nostre trescher et tresame frere le roy Loys de France, apres le retour vers luy de son varlet de chambre, Mace de Villebresme et arrivee de nostre serviteur Messire Francois Marezen, et entendu la declairacion de la charge que luy avyons baillee par instruction pour la lui exposer, delaquelle vous avons envoye le double; il a, puis quatre jours encza, envoye vers nous ung des chevaucheurs de son escuierie qui nous a presente unes lectres de sa part, par lesquelles il fait recit de la reception de celles que lui avyons escriptes par les dessus nommez et demonstre quil a bon vouloir, desir et affection que a nostre requeste et per-

suasion, le different qui est entre vous et messire Charles de Gueldres puisse estre appaise par voie et moien amyable, en delaissant toutes voies de fait et de hostillitez, pour les causes et consideracions que nostredit serviteur lui a dictes et declairees par nostre ordonnance et commandement; et que a cest intencion il a envoye devers ledict messire Charles ung sien varlet de chambre, en le exhortant de prendre quelque bon moien et expedient pour parvenir a paix, et a aussi fait retirer incontinent la plus grosse bende quil envoyoit devers ledit de Gueldres; et que sil eust este plustost adverty de nostre desir, il neust pas laisse passer ceulx qui desja sont passez; esperant que nous ne laisserons point partir ceulx quentendons envoyer devers vostre lieutenant general, aumoins jusques ace que aurons certaines nouvelles du besongne de sondit varlet de chambre, quil espoire estre dedens dix ou douze jours ensuyvans la date de ses lectres, comme de toutes les choses dessusdites et daultres lesdictes lectres le portent plus a plain, le double desquelles vous envoyons cy dedens encloz affin que puissiez le tout entendre.

Et pour responce sur le contenu en sadite lecture nous le mercions du bon vouloir et affection quil demonstre avoir a nostre desir a la pacifficacion des dits differends. Et que entant quil a contremande la dite grosse bende qui estoit sur la frontiere preste a passer; aussi sur lesperance et bonne confidence que nous avons en luy quil fera retirer ses aultres gens de guerre quil a envoyez oudit pais de Gueldres, et de non y envoyer nulz aultres cy en apres, et quil face aussi cesser ledit messire Charles de toutes voies de fait et de hostillitez, et de ne permectre ou souffrir estre fait aucune invasion ou exploict de guerre sur voz pais et subgetz aussi bien dedens ledit pais de Gueldres que ailleurs en vostre obeissance:—en ce cas avons este et suysmes contens de differer et re-

September, 1506, tarder lenvoy de nostre secours que avons promis bailler

et envoyer, (lesquelz sont tous prestz apartir) aumoins jusques ace que soions a la verite acertenez par nostredit serviteur Francois Marezen de la responce que aura faicte ledit messire Charles a sondict varlet de chambre.

En la advertissant, oultre, que si a loccasion du retardement et envoy de nostre dit secours ce que faisons de presente a sadite responce, il y eust quelque invasion ou exploict de guerre faicte sur vosdits pais et subgetz que len mettroit le deffault et blasme sur nous Dont, se aussi advenoit, en tant que nous avons retarde lenvoy de nostredit secours, la chose redonderoit a nostre deshonneur et reprouche, dequoy auryons tresgrant regret et desplaisir Et pourtant quil y vueille bien penser et pourveoir, en telle facon et maniere que nostre honneur puisse estre garde en cest endroit

Et dabondant nous lui signiffions que nous serons bien joyeux et contens de avec luy nous employer en tout ce que pourrons ala paccifficacion desdits differens, mais nous semble que pour mieulx parvenir aladite paix et union, estre expedient et tresnecessaire, que les choses dunepart et daultre soient remises en lestat enquoy elles estoient au jour de vostre departement et allee en Espagne ; et des aultres choses qui resteront en difficulte, se vous et ledit messire Charles les voulez mettre en la judicature de nous et de luy, nous en deciderons et les vuyderons ala raison, selon droit et bonne equite, sans faire tord ne a vous ne a luy. En le advertissant pour la conclusion de nostredite lectre de responce, que des choses dessusdites en advertirions vostredit lieutenant-general et conseil quavez laissez pardela, en les conseil-lant et exhortant que de leur couste il ny soit trouve aucun deffault, et que de leur part toutes voies de fait et de hostillitez puissent cesser, et deulx condescendre a tout bon et raisonnable appointement ; ce que leur

avons escript et conseille faire, aumoins pendant vostre absence, pour evicter les dangiers et tresgrans inconveniens qui en pourroient ensuyvir, et pour non vous mectre voz pais et subgetz en charge, si la necessite grandement ne le requiert Et avons adverty oultre vostredit lieutenant-general et conseil que oucas que ledit messire Charles ne se veult rengier a la raison, et se condescendre a tout bon et raisonnable appointement que nous leur enverrons nostredit secours, qui est desja tout prest apartir, comme dit est, quant besoing sera, pour le desir et affection que nous avons de vous complaire et faire plaisir en voz affaires Et aussi tost que nous aurons entendu la responce que aura eu ledict varlet de chambre dicellui messire Charles, et sceu en ce l'intencion, vouloir, et disposicion de nostredit bon frere le roy Loys en advirtirons en toute extreme diligence vosdicts lieutenant et conseil Et avons cest espoir que ledit roy Francois fera et tiendra ce quil nous a escript, et quil se deportera de bailler aucun aide, faveur, et assistance audit messire Charles, entant quil congnoit, que jamais nous voullons mesler de vostredit affaire de Gueldres en vostredite absence ; car nous navons jusque a ores trouve faulte en promesse quil nous a faicte De toutes lesquelles choses vous avons bien voulu advertir, comme a nostre frere, cousin et bon filz, lhonneur, bien, et prosperite duquel nous desirons singulierement estre de bonne et longue contynuacion et perseverance autant que de prince qui vive Ainsi que scait nostre Seigneur qui, treshault et trespuissant prince, nostre trescher et tresame frere, cousin et bon filz, vous vueille entretenir en sa tressaincte garde

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[The following paper illustrates the adventures of Richard de la Pole, Suffolk's brother, known after the latter's execution as the "White Rose" and recognized by Louis XII in 1513 as titular King of England, see "Dict Nat Biogr," xlv 46. Henry sent an embassy to Ladislas VI, King of Hungary, demanding Pole's surrender ("Venetian Cal.," 1 No 889) It is notable that the writer should allude to Suffolk's danger in case of Henry VII's death, "Letters and Papers," 1 315-20]

1507.

Primo, Thomas Kyllingworth, magister curiæ et servitor domini Edmundi ducis Suffolchiæ, ex una parte intelligens ea quæ fuerunt aperta et dicta ex parte magni concilii parlamenti Parisiensis, secrete in Aquisgrano¹ et in Colonia per unum militem nuncupatum Argenteyn dicens² se ipsum esse unus³ consiliariorum et camerariorum regis Francorum, tangens dominum Ricardum fratrem prædicti domini Edmundi ducis; et ex alia parte, intelligens ea quæ fuerunt sollicitata cum prædicto domino Ricardo in Hungaria ex parte ejusdem regis Francorum per oratores suos ibidem existentes circa mortem reginæ ibidem nuper defunctæ⁴. prædicto Thomæ videbatur quod nihil boni, nisi pericula, et de malo in pejus, potuit sequi, prædicto domino Edmundo existente in manibus regis Angliæ, si dominus Ricardus esset in Francia vel ad mandatum Francorum. Et sic, propter servitium et honorem Cæsaris in hoc negotio, sicut tenetur, videns quod materna ista tangit honorem suæ majestatis, et propter bonum et servitium prædictorum dominorum Edmundi et Ricardi, dictus Thomas veniebat ad præsentiam Cæsaris, et supplicavit Cæsari ut sua majestas vellet esse bonus et graciosus dominus prædicto domino duci Edmundo. Et super hoc idem Thomas, intelligens honorabilem mentem Cæsariæ Majestatis

¹ Aix-la-Chapelle.² Sic = dicentem³ Sic.⁴ Anne, Queen of Hungary (d. 1506-7)

versus dominum magistrum suum et suam causam,^{1507.} prædicta requesta regis et regni Franciæ [idem Thomas]¹ Cæsari plane aperuit, et etiam dixit Cæsari se iturum versus dominum Ricardum in Hungariam

Super quo Cæsar tunc respondebat et dixit, "Unus servitor domini Ricardi fuit mecum, et breve per eum intellexi de istis negotiis, et misi eum domino Ricardo, et expecto responsum," etc. Et sua majestas ordinavit dictum Thomam eundem versus Brabantiam ibidem standum quousque adventum Cæsaris, quia sua majestas tunc dixit se breviter ibidem venturum, ad finem quod idem Thomas esset ibidem paratus [ad 2'] sollicitandum in causa domini Edmundi ducis tali modo sicut per Cæsarem esset ordinatus

Tamen, propter duas causas Cæsari declaratas, idem Thomas proponebat tenere iter suum versus Hungariam. Et etiam sic contingebat (et si Cæsar hoc intellexit vel non, sibi latet) prope Olmes Prædictus servitor domini Ricardi veniens de Hungaria cum responso Cæsari et dictus Thomas insimul habuerunt obviam, et steterunt in Olmes per duos dies, et ibidem uterque eorum aperuit alteri in hoc negotio intentionem suam. Et super hoc idem Thomas proposuit dimittere iter suum versus Hungariam et perimplere mandatum Cæsaris. Sed prædictus servitor domini Ricardi tantum rogavit dictum Thomam quod omnino iret in Hungariam et quod staret ibidem quousque medium quadragesimæ, ad finem, si aliqui venirent de Francia domino Ricardo, quod dominus Ricardus cum eis non intromitteret, et quod per illum diem idem servitor vellet in Hungariam esse reversurus. Et super hoc idem Thomas recessit versus Hungariam et ibidem stetit a prima die Martii usque xvij diem Aprilis jam ultimo præterito, per mandatum domini Ricardi, attendens quotidie adventum

¹ A repetition
8 *

1507. servitoris prædicti, ut plenius apparet in literis ejusdem domini Ricardi regis majestati missis. Qua de causa, et ad perimplendum dictum mandatum, et ordinationem sollicitandam pro domino duce Edmundo, dominus Ricardus me misit Cæsari cum prædictis literis et etiam cum una credentia, et etiam ad intentionem quod Cæsar expediret plus citius dictum servitorem suum; qui quidem servitor fuit expeditus ante adventum prædicti Thomæ.

Et cum Cæsaria majestas cogitavit super dictam credentiam, quod si rex Francorum practicaret cum rege Hungariæ pro domino Ricardo, quod bene conduceret dominum Ricardum per medium [¹aliquorum amicorum regis in Hungaria ad locum securum, etc si necesse fuerit, quoad hoc dictus Thomas dixit suam opinionem domino doctori Heydon] domini Cardinalis de Straburgen. et per fratrem unius Boemen hic existentem, qui sunt secrete amici regis, de illis partibus usque ad unum castrum existens in Austria pertinens regis majestati et in gubernatione fratris prædicti Boemen; et ea intentione quod Cæsar vellet dictum Boemum breviter expedire cum litteris suis domino Cardinali et fratri suo, ac etiam scribere litteras credentiales domino Ricardo, et quod ego scriberem etiam domino Ricardo in hac causa, ad finem quod dominus Ricardus daret meliorem et firmam fidem prædicto Boemmo

Quo ad hoc, serenissime rex, scio veraciter quod hoc proponitis de bona mente; quamvis supplico humiliter ut vestra majestas velit mihi parcere, quod ego tam plane respondeo. Vestra majestas bene vidit malam fortunam domini ducis Edmundi fratris sui, et bene scio quod super omnes principes hujus mundi, dominus

¹The words in brackets were apparently intended as a substitute for the rest of the passage, which, however, is not struck out.

Ricardus dat et dabit vestræ majestati fidem. Tamen^{1507.} pro firmo audeo dicere, quod in castrum nullius viventis dominus Ricardus tamen¹ in tali forma personam suam,² quousque dominus frater suus erit per medium vestræ majestatis ad libertatem suam. Et si dominus Ricardus ad hoc vellet consentire, scio quod servitores de consilio suo hoc non permetterent, et vestra majestas bene cognoscit istos Hungarios et Boemios, non est fides adhibenda eis. Et sub correctione vestræ majestatis, mihi videtur quod si dominus Ricardus consentiret ad hoc propositum, si casus necessitatis hoc requireret, forsitan vestra majestas et ipsi possunt esse decepti. Et ulterius, serenissime rex, si ego aperirem hanc materiam domino Ricardo, vel per scriptum meum, credo firmiter quod nec ipse nec sui consilarii essent de hoc mecum contenti, nec omnino consentirent, sed forsitan tenerent me valde suspectum, et sine causa. Quare humiliter supplico vestræ majestati ut mihi parcere velitis, quia in hoc negotio me non intromittam.

Et si placet Cæsari tenere suum propositum pro adiutorio domini Edmundi ducis, non dubito quin hoc bene facietis ad honorem suæ majestatis, et ad tranquillitatem et bonum totius regni Angliæ. Sed mora trahit periculum, quia non latet Cæsari debilitas regis Angliæ, et si contingat eum breviter mori, credatis firmiter ex una parte dominus dux Edmundus erit in maximo periculo, et forsitan multi alii nobiles,³ et ex alia parte sic casus potest evenire quod forsitan filius regis Angliæ potest post mortem regis patris sui esse in consimili periculo; et ideo pro utraque parte finalis et honesta conclusio esset bona; et hoc tanto citius tanto melius. Et si aliquid mali eveniret domino meo (quod

¹ "Tamen" is a repetition.

² Some words, such as "debeat reddere," should be added here.

³ Probably Dorset and Courtenay; see Vol. 1 No. 200

1507.

absit), bene scio quod esset in maximum displacitum Cæsaris

Quare, pro servitio Cæsaris, et pro bono et securitate dominorum meorum Edmundi et Ricardi in hac causa, et ad finem quod dominus Ricardus potest esse ad mandatum Cæsaris pro honore Cæsaris, et pro adiutorio domini fratris sui, et nullo modo esse ad mandatum regis Francorum, si placet Cæsari, et sub correctione suæ majestatis, mihi videtur, hoc erit bonum et optimum medium; quod dominus Ricardus potest esse conductus extra patriam Hungariæ et ire in unum locum secretum infra obedientiam Sacri Imperii, ubi stabit secrete sub salvo conductu Cæsaris et principis illius patriæ, et, conclusione facta per Cæsarem inter regem Angliæ et prædictum dominum ducem, ipso duce Edmundo et etiam prædicto Ricardo existente ad libertatem suam, dominus Ricardus erit immediate ad voluntatem Cæsaris conductus ad præsentiam suæ majestatis Et si sit voluntas Cæsaris ponere manus suas ad hanc rem et debursare convenientem summam pecuniarum secrete pro intertentione domini Ricardi et famulorum suorum, concordia facta, dicta summa pecuniarum et iterum erit satisfacta Cæsari Et etiam dictus Thomas cum uno servitore domini regis hic existente qui vocatur le Bastard van Oysekerke, vadat, si placet Cæsari, in Hungariam pro hoc negotio Et ad finem quod Cæsar semper erit securus, cum tempus veniet opportunum, de domino Ricardo, dictus Bastardus semper permanebit cum domino Ricardo; et servitor domini Ricardi qui nuper fuit cum Cæsare et dictus Thomas revertent insimul Cæsari, et, si placet suæ majestati, stabunt cum sua majestate pro parte domini Ricardi, quod sua dominatio perimpleteat hanc rem ut prædictum est.

Et predictus Thomas supplicat Cæsari quod sua majestas reducere velit suæ memoriæ quod idem

Thomas dimisit parentes suos et bona et Anglia pro 1507. servitio dominorum prædictorum et ea ratione nihil habet unde vivere possit. Cæsar est princeps cum quo idem Thomas stetit per longum tempus pro parte domini magistri sui, et satis vidit et intellexit de fidelitate ejusdem Thomæ in causa domini sui. Quare insimul supplicat Cæsari quod ex gratia sua pro prædicto suo fidei sermone sua majestas admirare velit in hac sua maxima necessitate, et etiam quod Cæsaria majestas intertenere velit prædictum Thomam cum suo servitore quousque per Cæsariam majestatem finalis concordia et conclusio fieri potest inter regem Angliæ et prædictos principes.

30

[Henry VII to Margaret of Savoy, "Letters and Papers," i 327-36
(with a translation)]

Treshault et excellente princesse, nostre treschere et Greenwich,
May, 1507
tresamee bonne cousine, a vous tresaffectueusement et de bon cuer nous recommandons. Receu avons les bonnes et cordialles lettres que vous nous avez derrenierement escriptes de Bruxelles, en date du viij^e de ce present mois de May, responsives aux nostres derrenieres, par lesquelles entendons le vouloir, desir, et grant affection que vous avez que la communicacion, hantize et frequentacion puisse estre entre noz subgetz marchans et ceulx depardela, sur lentreours parci devant fait et conclu par le feu sieur de Beures, Messire Paule de Bænst et aultres lors ad ce commis et ordonnez delapart de feu prince de bonne memoire nostre cousin le roy de Castille vostre frere (a lame duquel Dieu par sa sainte grace face mercy) et ceulx par nous commis et deputez,¹ nous requerant de en faveur de vous permectre

¹ This refers to the "Intercursus Magnus" (Vol II No 149). and not to the "Intercursus Malus" (*ibid.*, No. 155).

May, 1507 ladite communicacion et hantize selon ledit entrecours, lequel en ce cas ferez observer et entretenir par ceulx depardela, jusques a ce que par nostre bon frere le roy vostre pere et nous en soit aultrement ordonne ; offrant den faire despescher telles et semblables lectres que nous mesmes adviserons et que de nostre part en voudrons donner.

Treshaulte et tres excellente princesse, nostre treschere et tresamee bonne cousine, veritablement nous ne desirons pas seulement en ce vous complaire, mais en toutes aultres choses que bonnement faire pourrions ; bien vous voullons advertir que neust este les nouveaulx tonnelieux, exactions, et impositions que lon mist pardela sur nosdits subgetz et leurs marchandises apres avoir prins et conclu ledit entrecours, ilz ne se feussent point absentez hors des pais depardela, mais eust este ledit entrecours de duree jusques a present. Et combien que ou temps et du vivant du roy votre dit feu frere nous luy en escrivismes par reitrees foiz le desirant, de on ensuyvant le traicte de lentrecours, quil voulsist faire abolir lesdites nouvelles impositions et tonnelieux, en luy signifiant quelles estoient directement contrevenir a icelluy traicte dentrecours, toutefois pour quelque rescripcion que nous luy en feismes, rien nen fut fait ny refourme. A ceste cause nosdits subgetz marchans nous supplierent et requirent en toute humilite que nous leur voulsissions permectre de tenir doresenavant leurs foires et marchetz dedens nostre ville de Calais,¹ ce que par bon advis et deliberacion de conseil, considere ce que dit est, ne leur povyons bonnement refuser.

Neantmoins encoires dempuis ce, a este fait, conclu, et passe ung nouveau entrecours² entre les commis et deputez du feu roy vostredit frere et les nostres, chacun

¹ See Vol. II No. 150

² Vol. II. No. 155.

en vertu de leurs commissions et povoirs, le jour et terme May, 1507. ordonne et appoincte pour l'entreschange des lettres patentes de confirmac[ion] et ratificacion d'une part et d'autre; encoires de la part de dela reins na este tenu,ourny, ne accomply, ja soit ce que dela nostre, nous avons este tousjours prestz de fournir ace que nous avyons promis et accorde, ainsi que le vous avons signifie par aultres noz lettres

Et combien que nosdits marchans avoient fait desja publier leurs foires en nostredite ville de Calais et fait leurs preparatifs pour tenir aceste faicte dela penthecouste leurs foires en icelle; ce non obstant, pour le desir et affection que nous avons de vous complaire et satisfaire a vostre dite requeste, et singulierement pour honneur et amour de vo[us,] entant que sest la premiere requeste que vous nous avez faicte, suysmes contens [de] consentir et accorder que les subgetz d'une part et d'autre, voient, hantent et co[m]muniquent ensemble, en vertu dudit premier traicte prins avecque ledit feu Sieur de Beures, ce[que nosdits] marchans feroient bien enviz et a tresgrande difficulte, nestoit lordonnance [et] commandement que nous leur avons donne pour ce faire. Et leur avons expressement enjoincts de laisser leursdits preparatifz daller a Calais et deulx preparer desmaintenant es pais de nostredit cousin, vostre nepveu. A quoy congnoissan . . . nostre plaisir et intencion, sont prestz a y obeir, et espoient destre prestz a par[tir dedans] quinze jours Et pour le bien et sceurte de nosdits marchans et de leursdites marchandises en l'advenir, nous avons, par l'avis de nostre conseil, conceu et devise en ensuyvant leur desir, une mynute,¹ telle quil nous semble estre raisonnable pour le sceurte [deulx et] de leursdites marchandises, laquelle vous envoyons. Et

¹ This became the provisional treaty concluded on 5 June (see Vol. ii, No. 155)

May, 1507. si vostre plaisir est de ende[dens] quinze jours, les nous envoyer expediees et seellees ainsi quil appartient, vous . . . de tant plus meilleur vouloir et couraige a nosdits subgetz marchans daller p[our] y continuer et resider. Et icelles par nous receues, vous enverrons les nostre[s au mesme] effect, ayans bon et ferme espoir que ferez doresenavant bien et favourable[ment] traicter nosdits subgetz, comme de nostre part nous avons fait et avons intencion . . . les subgetz depardela

Touchant la priere et requeste que nous faictes davoir regart aux traictez, a[mities] et alliances faictes et conclutes pour nous et noz successeurs, et le roy vostredit fe[u frere] et les siens, et que en acquetant les promesses et obligacions esquelles nou[s sommes] tenuz et astraint par icelles, de accorder aide et secours pour garder et deff[endre] notre cousin, vostre nepveu, ses pais et subgetz, ou cas quilz feussent par voie de . . . opprimez par nostre frere et cousin le Roy Loys de France, —

Tres haulte et excellente princesse, nostre treschere et tresamee bonne cousine, . . . faisons doubte que ne soiez bien advertie, et comme il est a ung chacun tout, m . . . et magnifeste que pour la bonne amour et affection que nous portons a [nostre] frere le roy, vostredit pere, et portions aussi au roy vostredit feu frere, nous nous s[ommes] effectivement emploiez a preserver, garder, et deffendre ses pais et subge[tz quand] ilz estoient en voie destre subjuquez par leurs ennemys et adverssaires, t[ant en] temps de sa mynorite que aultrement et aussi dempuis en lannee passee [au] fait de Gueldres. Et pour vous en parler plainement et alavraye verit[ee, les] choses ont este aucunesfoiz pardela petitement recongnues et considerees . . . ce que nous avons pour ce faire eu le maulgre de nostredit frere et cousin, [le roy] Loys de France, et daultres princes noz confederez et alliez.

Et quant ace que nous requerez vouloir avoir regart May, 1507. aux traictez et a[mities] faitz entre nous et le roy vostre dit feu frere; tres haulte et excellente [princesse,] nostre treschere et tres amee bonne cousine, nous vous voullons bien adve[r]tir que] tous les traictez et amytez que nous avons prins et faitz avecque ic[elluy vostre] feu frere, et avec quelzconques aultres princes que ce soient, nous [avons] jusques a ce jourdhuy bien entierement entretenuz et gardez, s[ans] jamais y avoir fait aucune faulte, ne les enfreindre, mais vr[ai] est quil y eult] certains traictez faites et concluz entre nous et le roy vostre dit [feu frere, entre] lesquelz y eult ung traicte damytie qui fut fait en noz personnes, luy estant en nostre royaume Et oultre icelluy y avoit deux aultres traictez prins et concluz entre ses commis et les nostres Et si sest cestuy traicte damytie par lequel vous nous voulez obliger et astrainter, le conseil depardela vous deussent avoir advertie, comme dedens lung desdits aultres deux traictez est expressement dit et declare, que le roy vostre dit feu frere ne feroit pas seulement innover ledit traicte damytie, mais aussi confermer lesdits aultres traictez, et le tout endedens certains jours et termes pourcec ordonnez et appoinctez les nous envoyer. Ce que na este fait ne accompli delapart de dela. Parquoy les choses a la verite bien et deuement considerees, nous ne suysmes, comme les gens de nostre conseil nous ont dit et remonstre, par ledit traicte damytie, aucunement chargez, astraintz ne obligez, mais suysmes de nostrepart a nostre liberte, et ne sauroit ou pourroit lon par icelluy par voie dobligacion ou promesse aucune chose nous demander jusques ace que linnovation deladicte amyte et confirmation des aultres traictez soient faitz, delivrez, et entreschangez dunepart et daultre, lesquelz comme entendons sont entre vos mains, et de ceulx dudit conseil depardela. Et ce fait et accompli, nous ne fauldront point de fournir ace

May, 1507. que nous estions tenuz et obligez, et plus singulierement en faveur, honneur et amour de vous, et pour le bonne affection que nous portons a nostredit cousin vostre nepven

Et dabundant, veu et considere que le roy vostredit feu frere qui estoit lun des traictans est alle de vie a trespas, et que nostredit cousin, son filz est encoires en mynorite, il feust bien seant et convenable que tous lesdits tractez fuessent confermez, tant par nostredit bon frere le roy vostre pere comme mainbournie de nostredit cousin vostre nepveu que par icelluy vostre nepveu.

Pryant ausurplus Nostre Seigneur quil vous ait treshaute et tresexcellente princesse, nostre treschere et tresamee bonne cousine, en sa tressaincte et digne garde, et vous doint laccomplissement de voz bons desirs.

31.

[A summary of Maximilian's communication to Henry VII's ambassadors, "Letters and Papers," i 323-7. an abbreviated English version of this document is given in "Spanish Cal." i 560 Dr Gairdner conjecturally dates this document 1507, but the allusion in it to the "affinitas nuper facta" between the archduke and the lady Mary makes 1508 the more probable year. That marriage treaty was concluded on 21 December, 1507. Possibly the occasion of this communication was the joint ratification of the treaty of alliance by Maximilian and Charles at Mechlin on 26 March, 1508 (Rymer, xii. 200)]

26 March,
1508 [?]

Primo, qualiter Majestas Cæsarea citra quattuor aut quinque dies continue laboraverit cum illustrissima domina, Domina Margareta Austriæ et Burgundiæ, suæ majestatis filia carissima, et singulis diebus intraverit cum ea personalem conferentiam super matrimonio jampridem concepto et concluso per quondam bonæ memoriæ Philippum regem Castellæ, inter serenissimum ac poten-

tissimum Angliæ regem et eandem illustrissimam ^{March,} dominam. 1508 [?].

Ad quod sua Majestas Cæsarea mirum in modum fuit et est inclinata, tam propter singularem amorem quem habet ad serenissimum regem Angliæ, tum quia alias sua Majestas in hoc matrimonium consensit et desuper litteras tradiderit, tum etiam quia omnes suæ Majestatis consilium ipsum matrimonium maxime suadent, cupiunt et desiderant.

Et ut sua Majestas Cæsarea illustrissimam dominam ad hoc matrimonium facilius inclinaret, demonstravit multis rationibus et argumentis illud matrimonium non solum esse honorificum atque utile suæ Majestati, ipsi Dominiæ illustrissimæ, atque domibus Austriæ et Burgundiæ, sed etiam non mediocriter necessarium.

Honestum seu honorificum, quia serenissimus rex Angliæ rex est dignissimus, prudentissimus, potentissimus, atque omnium virtutum cumulativissimus, cui merito conjungi debeat uxor seu conthoralis omnium nobilissima ac prudentissima qualis ipsa est

Utile, propter regnorum et patriarum vicinitatem, propter mercatorum et subditorum utriusque regni continuam frequentationem et mercium commutationem, propter harum provinciarum tranquillitatem.

Necessarium, propter pacis cum Gallis observationem, propter futuræ Hispanicæ successionis securitatem,¹ propter pacis Gheldrensis conservationem, propter singulorum negotiorum Cæsareæ Majestatis, necnon hujus inclytæ domus Burgundiæ dilectionem

Quod si forte hoc matrimonium, quod absit, non perficiatur, timendum est quod ipse serenissimus Angliæ rex aliam ducet uxorem ex alia familia et gente, forte Cæsareæ Majestati et suæ domui non amica, unde plurima incommoda his patriis et provinciis possent

¹ A reference to Prince Charles' prospects

March,
1508 [?].

imminere, adeo quod affinitas nuper facta inter illustrissimum dominum Archiducem¹ et dominam Mariam parvæ erit utilitatis.²

His rationibus et aliis quamplurimis sæpius prudentissime repetitis per Cæsaream Majestatem ore proprio, ac etiam aliquando per organum alterius in præsentia suæ Majestatis et nonnullorum suæ Majestatis consiliariorum, ipsa illustrissima domina semper respondit in hunc qui sequitur modum.

“ Quod ipsa illustrissima domina multum est devincta et multa debet serenissimo regi Angliæ, qui, cum sit omnium regum ac principum hujus nostræ ætatis prudentissimus ac virtuosissimus, velit et cupiat eam habere in uxorem et conthoralem

“ Quod si aliquando ipsa illustrissima domina maritum superducere vellet, ipsa non posset digniorem optare, sed illum serenissimum regem Angliæ cæteris principibus et regibus orbis anteferet.

“ Verum, cum jam trina vice jussu ac mandato sacratissimæ Cæsareæ Majestatis nupta fuerit et tres maritos habuerit,³ quorum primus eam repudiaverit, et alii duo in juvenili ætate et immature obierunt. Tantum infortunium passa et experta, timet in illud reincidere, quare decrevit apud se nunquam quantum maritum superducere, sed in sua viduitate permanere.

“ Præterea, cum matrimonia communiter fiat ad prolem suscitandam, timet illustrissima domina ne ad hoc sit minus apta; quod si ita esset, serenissimo regi Angliæ aliquando displicere posset

“ Item, dos præmissa per matrimonium supradictum

¹ Charles

² Mary Tudor, Henry VII's younger surviving daughter

³ Besides the two husbands mentioned above (p. 36), Margaret had when two years of age been betrothed to the future Charles VIII and brought up at the French court; but she was hardly married to him. He preferred Anne of Brittany

est adeo immensa quod sine magna læsione illustrissimi domini Archiducis, sororum et patriarum suarum non ^{March, 1508 [?]} poterit persolvi.

“Item facit illustrissima domina sibi aliquam conscientiam quod tanta bona extrahantur ex domo Burgundiæ et remaneant in Anglia, ex quibus suæ neptes potuerunt maritari.

“Item, quantum ad necessitatem allegatam, dixit quod illa cessat cum jam sit pax facta et conclusa cum Gallis, et etiam in Gheldria, cum etiam serenissimus rex Arragonum cupiat et prosequatur amicitiam Cæsareæ majestatis, et quod non sit verisimile quod illustrissimo domino archiduci suo nepoti velit nocere aut juri suo in aliquo derogare, cum nemo umquam carnem suam odio habeat, quibus attentis non esset verisimile quod matrimonium quod poterit facere rex Angliæ debeat huic domui esse damnosum

“Maxime cum jam affinitas facta sit et contracta inter ipsum illustrissimum dominum archiducem et filiam regis Angliæ, quare non solum ipse rex Angliæ, sed etiam regnum ipsum est aliquantulum obligatum ad amicitiam cum his patris et provincie.”

Videns sacratissima Cæsarea majestas quod nihil posset apud præfatam illustrissimam dominam per se et consiliarios aliquos suæ majestatis proficere nec inducere eandem dominam ad consentiendum huic matrimonio, Cæsarea majestas fecit vocari illustrissimum dominum archiducem et totum consilium; in quorum et suæ majestatis præsentia iterato dicta sunt ad longum illustrissimæ dominæ ea quæ superius scripta sunt et multa alia ad hoc convenientia, ad finem ut eo facilius inclineretur ad consentiendum. Quibus non obstantibus illustrissima domina firma permansit in suo proposito superius declarato, nec aliud responsum potuit Cæsarea majestas obtinere

March,
1508 [?].

Ex quibus patet quantam operam, sollicitudinem, ac diligentiam Cæsarea majestas sacratissima adhibuerit circa hoc matrimonium, verum cum illustrissima domina vidua sit nec jure possit aut debeat ulterius cogi aut premi, cupit sua Cæsarea majestas ut ea omnia bono modo et ordine regiæ celsitudinī Angliæ referentur ad eum finem ut intelligat Cæsaream majestatem omnem diligentiam possibilem adhibuisse, neque aliquid prætermisisse quod ad inducendam filiam ad hoc matrimonium conferre visum est. Et si videatur dominis oratoribus quod Cæsarea majestas debeat aliquid amplius facere in hac causa pro contentatione strenuissimi regis Angliæ vellet sua majestas hoc intelligere et perficere

32

[On 21 December, 1507, besides the marriage treaty between Charles and Mary, there was concluded at Calais a treaty of alliance between Charles and Henry VII. Both treaties were confirmed by Maximilian at Brixen on 22 February, 1508, the treaty of alliance was jointly confirmed by Maximilian and Charles at Mechlin on 26 March, and on 4 May various obligations were taken for the performance of the treaty of marriage (Rymer, xii 171, 189, 200, 212) But it was not until 1 October that it was ratified by Margaret as regent of the Netherlands, as given below (*ibid* xii 219) Further obligations for its completion were also entered into (*ibid* xii 220, 229-33, 259-61) It was of course never fulfilled see also above, Vol. I. Nos 203-4, and Van der Bergh's "Correspondance de Marguerite d'Autriche," p 133]

Mechlin,
1 October,
1508.

Margareta de Austria & Burgundia, ducissa, vidua Sabaudia, comitissa Baugiaci & de villarum ac patris Bressia, Vuandi, & Foncigniaci, etc domina, universis & singulis harum nostrarum testimonio litterarum notum sit & manifestum,

Cum nuper, ad Dei Omnipotentis laudem, & totius Christianæ religionis exaltationem, magnifici spectabiles

& dilecti nostri, Jacobus de Luxemburgo dominus de ^{October,} Fyennes consanguineus noster locumtenensque & capi-¹⁵⁰⁸ taneus comitatum Flandriæ & Arthesii, Johannes dominus de Berghes, consiliarii & chambellani sacratissimi domini Maximiliani, Dei gratia imperatoris electi semper Augusti domini & genitoris nostri metuendissimi, ac illustrissimi domini Caroli, Dei gratia principis Hispaniarum, archiducis Austriæ etc domini & nepotis nostri honoratissimi, militesque Aurei Velleris, Laurentius de Gorrenodo baro Monthanesii gubernator patriarum Bressiæ, Johannes le Sauvage dominus de Scaubeka miles præsidens consulatus Flandriæ, & Philippus Hanneton illorum primus secretarius & audientarius, veluti eorum dominorum genitoris & nepotis nostrorum oratores, procuratores, commissarii, & deputati ad id sufficienter instructi convenerint, tractaverint, & concluderint in oppido Calisiæ, die vicesimo primo mensis Decembris nuper lapsi, cum reverendo in Christo patre, magnificisque & circumspectis viris, dominis Ricardo episcopo Wyntonensi custode privati sigilli serenissimi ac potentissimi principis, Henrici, Dei gratia regis Angliæ & Franciæ etc domini & consanguinei nostri honorandi, Thoma de Surrey thesaurario Angliæ, Thoma Dockra priore Sancti Johannis Jerosolimitani in Anglia, Gilberto Talbot deputato Calisiæ & Nicolao West legum doctore, consiliariis, oratoribus, procuratoribus, commissariis, & deputatis ad hoc etiam literis præfati serenissimi regis Angliæ sufficienter instructis, de & super matrimonio & futuro connubio, Deo & sancta matre Ecclesia laventibus, celebrando & consummando inter præfatum illustrissimum dominum Carolum principem Hispaniarum, archiducem Austriæ etc. nepotem nostrum honoratissimum ex una, & illustrissimam & præclarissimam principissam dominam Mariam præfati serenissimi Angliæ regis filiam ex alia, ac dote, dotalitio, tra-

October,
1508

ductione, pœnis, & aliis certis conditionibus & formis in literis & capitulationibus, per eosdem prænominatos oratores utriusque partis confectis, latius contentis & descriptis, ad quas debita in expediendi habeatur relatio,

Cumque sit in eodem tractatu inter caetera cautum & declaratum quod nos ducissa prædicta, tanquam amita dicti domini principis nepotis nostri honnoratissimi, easdem literas & capitulationes laudabimus & confirmabimus infra tempus in eisdem litteris præfixum, cui quidem tractatui & capitulationi pro nostra parte, ut par est, satisfacere volentes,

Omnia igitur & singula, per dictos dominos, oratores, procuratores, commissarios, & deputatos utriusque partis circa præmissa gesta, narrata & conclusata, ac in prædesignatis litteris seriatim descripta & contenta, rata & grata habentes, in quantum nos attinent, laudavimus, ratificavimus & confirmavimus, laudamusque, ratificamus & confirmamus per præsentem, ac roboris firmitatem perpetuo obtinere volumus & declaramus,

Promittentes, bona fide nostra in verbo principissæ, omnia & singula in dictis litteris & capitulationibus contenta & descripta, in quantum nos concernunt & concernere possunt, rata, grata & firma habere & inviolabiliter observare, juxta dictorum capitulorum continentiam & tenorem, illisque nullatenus per nos aut alium contravenire aut contraire, vel venire volenti in aliquo consentire clam, palam, tacite vel expresse, sub pœnis in dictis literis & capitulationibus adjectis;

Renunciantes pure & absolute, & in vim pacti per præsentem, omnibus & singulis tam juris quam facti exceptionibus & deffensionibus aliisque juris & facti beneficiis & generaliter omnium legum & canonum appellationibus, querelis, & provocationibus, quibus contra præmissa seu eorum aliqua nos juvare possemus, seu alias quomodolibet tueri, & præsertim juri dicenti

generalem renunciacionem non valere nisi præcesserit ^{October, 1503.}
specialis,¹

Supplentes etiam per præsentés omnes & singulos tam juris quam facti defectus, & præsertim si qui sint tales ratione commissiōis per nos commissariis nostris prædictis attributæ, si ad prædictum tractatum, nomine nostro, per oratores nostros prædictos conclusum, in aliqua sui parte commissio nostra prædicta non satis ampla, aut aliter insufficiens videatur

In quorum omnium & singulorum præmissorum testimonium fecimus has manu nostra signatas appensione sigilli nostri communiri Dat[um] Mechliniæ die prima mensis Octobris, anno Domini millesimo quingentesimo octavo

MARGARITE.

Sub sigillo præfatæ Margueretæ de cera rubea pendente a cauda pergameni.

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[The Congress of Cambray, Henry VII to Margaret of Savoy,
"Letters and Papers," ii 365-7]

Treshaute et excellente princesse, ma treschere et ^{Greenwich, 7 November, 1503}
tresamee bonne cousine, a vous je me recommande tant affectueusement et cordialement que faire puis, et vous plaise savoir que, combien que par les derrenieres lettres que je vous ay escriptes, responsives a la requeste que mavez faicte dordonner et commander a mes ambassadeurs qui sont par dela de vous accompagner et assister la journee et assemblee qui se doit faire et tenir a Cambray, entre vous et mon cousin le legat de France, je vous ay signifié que, pour plusieurs grandes et raisonnables considerations, je ne povoye par honneur

¹ "and especially the claim that a general renunciation is not valid unless preceded by a special one."

November,
1508

ordonner et commander a mesdits ambassadeurs deulx trouver a ladite assemblee, fors mon chevalier et conseiller messire Edouard Wyngfide,¹ lequel javoye apointe auparavant, en tant quilz navoient encoires este ouyz de mon bon frere et cousin lempereur vostre pere, et que ce seroit chose fort estrange quilz deussent aller ailleurs et laisser le principal de leur charge quilz avoient, tant envers mon frere et cousin lempereur vostre pere qu'envers vous. Toutefois jentens que depuis lempereur, mondit bon frere et cousin, les a favorablement ouyz et recueilliz en leur donnant bonne et gracieuse audience, et quil les a tresfort instantez de vous accompagner, et a ceste intencion ordonne et commande a son orateur et ambassadeur le prevost de Cassel² de men solliciter et instanter de sa part. A ceste cause, et pour ce que je desire de tout mon cœur faire chose qui puisse estre au gre et consentement de luy et de vous, et que je voudroye bien volentiers que mesdits ambassadeurs vous peussent daucune chose servir et prouffiter au bien et advancement des matieres pour lesquelles vous vous devez trouver avecques mondit cousin le legat, et que tressingulierement je desire quen ce puissiez acquerir honneur et louenge, aussi en tant que jay sceu que mondit bon frere et cousin lempereur vostre pere a par deux ou troys fois ouy iceulx mes ambassadeurs sur le contenu en leur dite charge, comme dit est, et que je suppose que depuis la description quilz mont faicte il les a encoires derechief ouyz, jay pour les considerations dessusdites, neant-

¹ See Vol. i No 207.

² See Vol 1 Nos 205-6; and compare Sir T. More's "Utopia," p 1 "but he that was esteemed the wisest and spoke for the rest was George Temse, Provost of Cassel both art and nature had concurred to make him eloquent; he was very learned in the law, and as he had a great capacity, so by a long practice in affairs he was very dexterous at them."

moins que par ce moyen je differe et retarde mes propres ^{November, 1508} causes et affaires, ce que je neusse pas volentiers fait, ne feust pour complaire a mondit bon frere et a vous, combien que je considere bien aussi que mesdits ambassadeurs ne sont pas pourvez de chevaulx ne de telles choses qui leur seroient necessaires et requises d'avoir pour aller en tel voiage, parce que, a leur departement dovecques moy, je ne pensoye point quilz deussent aller plus avant que a lempereur mondit bon frere et cousin vostre pere et par devers luy

Toutesfoiz, afin de complaire a mondit bon frere et a vous, comme dit est, leur ay maintenant ordonne et commande, de vous accompagner et assister a ladite journee, et vous faire tout le plaisir et service que possible leur sera, car sur toutes choses je desire a vous faire honneur et plaisir, et souvent entendre de voz bonnes nouvelles, et pourtant je vous pry, ma bonne cousine, que men vueillez escrire et advertir de temps aaultre, a quoy prendray toute joye, felcité et plaisir, et de ma part suis bien delibere de vous faire le semblable, ainsi que scait nostre Createur, qui, treshaute et excellente princesse, ma treschere et tresamee bonne cousine vous doint aussi bien prosperer que je voudroye ma propre personne, et vous octroyer l'accomplissement de voz desirs.

34.

[John Stile to Henry VII, Gardner's "Memorials," pp 431-48
Some of the words illegible or torn away from the MS. have
been conjecturally supplied]

Most excelent soverayn lord, Plesythe your hyghnys ^{Valladolid,}
for to understand that on the sevyn . . the sevyntyn ^{26 April,}
dayes of the monythe of Marche that last past y recevyd ^{1509.}
yowr nobyl le[tters] . datys of the last day of
Jenyver and of the thyrd day of February as by the other

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syx m [y letters a] fore thys y have certefyed unto yowr hy3ghnys and of the answer of the kynge of Ar[ragon] . . . receyte of yowr sayd nobyl letters and the causys to hys hy3ghnys by me declaryed . . . acordeyng to your hyghe commandament to me by yowr sayd most parfyteys[t] . . . answer, and hyt plese your grace was that the kyngys sayeing was that he was joyus . . . understand of your prossperus welfare, and that your hy3ghnys ysso inter . . . perfecschyon of the maryage by twyxt my lord the prynce your nobyllst son [and the] princes hys dougghter. Of other mateis the kynge spake tucheyng the dote of . . . and of other thyngys as by everyche of my sayd syx letters at lengythe I ha[ve made] certyfy-cathe unto your hy3ghnys and that fynalli the sayd kyngys answer was that . . . wythe delygence he wold send hys other ambassatwrs unto your hy3ghnys, the whyche . . . such that schuld gladly intend for to conserve and augement amyte by twyxt yowr [grace] and hym, the whych answer, and hyt plese your grace, the kynge made unto me by the twelthe [day] of the said monythe of Marche, syth the whyche tyme hys hy3ghnys hathe byn so occupyed [with] other mate[rs] and wythe thys holi tyme of Ester that the nameyng of suche as that schuld be sent unto yowr hy3ghnys for ambassatwr hathe byn deferryd, notwithstanding that I dyverse tymes and mani sythe the sayd twelfth day of Marche have solucytyd unto the kynge and unto hys secretary Almasan and to the bysschop of Canarya that the sayd ambassadur my3ghte be namyd and wythe delygens sent towardys your hy3ghnys

[And] hyt plese yowr grace as for the bisschop don Pedro Ayala was not yn the corte wythe the kyng . . . syx wekys or more, nor cam not forthe of hys logeynge excepte in the Paschyon weke, that he went unto a relegeus hows of Frerys whyche ys here yn thys towne,

for the seyd don Pedro ys contenwally dyseasyd and another [*sic*]. And yt plesse your grace, the kynge of Aragon lovythe the sayd don Pedro wel, as that he hathe a good cause, for the sayd don Pedro dyd unto hys hyghnys yn the kyngys beyng yn Napulys and for hys retorneynge unto Castyl best servyse of any oon man in Castyl, for he turnyd the cardynal of Toledo and the cundestabyl of Castyl and mani moo for to take the kynge of Aragonys parte, otherwise the sayd kyng had not so sone have retournyd in to Castyl. Howebe that now, and hyt plesse your grace, that the kynge hathe the said cardynal and al thyngs here at hys comandament and plesure, the sayd byschopp do[n Pe]dro ys not so muche callyd to counsaile as that he hathe byn yn tymes past, for the bysschop of Palencya and other that be grete rulers aboute the kynge have a secrete envye unto the sayd don Pedro. For the said bysschop of Palencya had trustyd for to have byn cardynal and don Pedro causyd the archebysschop of Toledo for to have that dyngnyte by cause that he schuld bere favor unto the kyng of Aragon.

And verely, and hyt plesse your grace, the said don Pedro s . . . not to be plesyd wythe the kynge hys lord nor wythe the secretary Almasan that they do deferre the tyme yn the nameynge and sendeynge of the ambassatur from hens towardys your hyghnys], and that the said mater ys non otherwyse regardeyd, for, and hyt plesse your grace, sythe the sayd twelthe day of March the kynge hathe ordeyned and sent from hens another ambassatwr unto the Freynsche king . . . , the whych ambassatwr ys an Aragonys of the cety of Valencya, a commendador of the [order of Saynt] Jamys, and Mossen Jayme of Albyon, the whyche was ambassatur for the kynge of [Ar]a[gon]. France schal come home ambassatwrs of France. And hyt plesse your

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grace . . . hyt is sayed that there ys an ambassatur of France comeynge hethe[r. . . . An]d hyt ple your grace after my pore mynd that the kynge of Aragon hathe and dothe deferre the [ty]me of the nameynge and the sendeynge of hys ambassators unto your hyghnys for twoo causys [Oo]n was unto suche tyme that he had tydeyngys and letters from the commendador Delamem-[bre]lya¹ hys ambassatur and another that for as muche as that the qwyn of Aragon² ys so ny3[ghe] . . the tyme of her delyverance of chyld for to be by al thys monythe of Apryl as hyt is [say]d, for the whyche, and hyt plese yowr grace, that after the good stede or fortune that [the say]d qwyn schal have yn hyr delyverance the kynge wyl orde1 hym self yn all hys thyn . causys For in case the said qwyn spede wel and be delyverd of a prynce here . be made grete tryumfe, and the kynge then wyl exalte hym self the more ynal his faus(?) . in case that the qwyn schal fortune for to have a dow3ghter the fryndys of the prynce [of Cas]tyl wylbe glad, for that sche maye not enheryte the reames of Aragon nor Napuls Howe . [an]d hyt plese yowr grace the sayeyng of the Aragonesyys ys that yn case that hyt schalbe [a daugh]ter that sche schalbe maryed unto the kyng of Castyls secund son and have al . . whyche and yt plese yowr grace ys but a comune sayeynge of thys cortyers and not . . . schuld so be mynded by the kynge of Aragon. And in case that the qwyn of Aragon schal fortune for to myscary and decese in thys her delyverance, suerely, and hyt plese yowr grace, the kynge of Aragon schuld be gretely abateyd tereynge to lese hys amyte wythe France whyche he exstemythe above al the warld, and then he wylbe the gladder for to indevor hym selfe for to have the amyte of your hyghnys So, and hyt plese your

¹ See Vol 1 Nos. 210, 212-3

² Germaine de Foix

grace, the afecte of the sayd mater tucheyng the qwyn ^{April, 1509.} of Aragons delyverance and spede sch[al] here be schortly knowen.¹ And as to the tydeyngys that the kyng lokyd for from yowr reame of Yngeland, and hyt plese your grace, that on the fowrythe day of thys monythe of Apryl cam hether John de Scotya, my lady the prynces servant wyth letters from my s[ayd] lady oonly unto the kyng hyr fader² and unto the secretary Almasan

Where and hyt plese your grace on the tenthe day of thys present y spake wyth the kyng for to understand in case that hys hyzghnys had namyd and ordenyd hys ambassaturs that schuld be sent unto yowr hyzghnys the kyng exschuseyng hym that he had not yet don it by cause of thys hoh tyme of Ester, but that schortly he wold name and ordeyn hym, and hys hyzshnys sayeynge that of late [he] had receyvd a letter³ from my lady the prynces, in the whyche sche had wretyn of no mater of supstance but of hyr confessor, desyreng the kyng hyr fader for to send hyr other from hens, the whyche the kyng sayed that he wold so do

And on the eleventh da[y] of thys present cam hether a servant of the commendador de la Membrela wythe letters⁴ from the sayd embassatur, wretyn yn yowr cety of London on the twenty day of Marche, and that the bysschop don Pedro hathe sayd to me that the sayd commendador hathe wretyn he . . . for to have lycence for to come home sayeynge that he ys evyl intretyd in yowr c[orte], and t[hat yo]wr portorys schuld take hys moyle by the brydel and wold not suffer the sayd ambassatwr for to cum unto yowr corte. To the

¹ Gómara, "Annals," p. 26 "1509. Queen Germaine brings forth in Valladolid a son who only lived one hour, and whose death was as great a grief to the realms of Aragon as its birth was glory"

² Vol. I. No. 215

³ *Ibid* No. 212

⁴ *Ibid* No. 213.

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whyche, and yt plesse your grace, myn answer was that your grace wold not suffer the sayd ambassatur so to be entreteyd wythe owte grete cause. Then and hyt plesse your grace, the sayd don Pedro schaweynge to awe his ry3g[hte] good servyce unto your hy3ghnys, sayed to me yn secrete in thys maner. "John Style, the kynge my lord gladly wold contynwe yn amyte wyth the kynge of Yngeland your lord, [ho]webe that ye wold mervel in case that ye understode of al the maters that hathe passyd . . . wyl and sythe our departeynge hetherward, howe that the kynge mylord hathe byn remo . . . by dyverse and mani persons for to breke amyte wythe the kynge of Yngeland yow[r . . . pe]rsons sayeynge that hyt ys to the grete dyshonure of the kynge my lord that he [should suffer the kyn]ge of Yngeland for to kepe the prynces his dow3ghter, and in case that the kynge wold [not] redelyver the monay of the sayd prynces dote, that then they of the reame of Castyle, as for theyre aune proper good and at theyr proper cost and charge, that they wold make warr unto the reame of Yngeland, wythe more, that they advyseyd the kynge of Aragon that he schuld send his conmandament unto all the naturalys of the reame of Castyl that they schuld cease and leve of theyre traute and entercorse of marchantdyse into the reame of Yngeland, sayeynge that the sayd traute and entercorse that they have into Yngeland ys grete damage unto the reame of Castyl, sayeynge that thos persons the whyche most traute into Yngeland convaye muche gold forthe of Castyl for to bye the wood the whyche they do convaye into Yngeland, and for the returne of the same that they do brynge nothyng ynto Castyl but Yngelysche clothe, and that also the sayd persons sayd that hyt schuld be wel don in leke wyse that the Yngelysches marchantys schuld be defendyd that they schuld not have non entercorse of Yngelysche clothe in to thys

partys, sayeyng that by the reson of the much Ynge-^{April,}
lysche clothe hether comeynge that the clothe makes ^{1509.}
nue ys lost in Castyl, and sayeynge that the sayd
Yngelysche marchantys convaye multe golde forthe of
this land ynto Yngeland, so that by no reason they
thow3ghte that the entercourse of marchandyse by twyxt
Yngeland and Spayne ys not benyfyschyal for Castyl

To al the whyche causys, and hyt plese yowr grace, I
made answer unto the sayd bisschop don Pedro to the
best after my pore mynd, unto the whyche he schawyd
hymselfe in everry poynte satysfied, and that they that
had so moschyonyd unto the kynge hys lord had no
good ground nor reson so for to do And hyt plese
yowr grace y usyd my selfe in suche maner wythe the
sayd bisschop wythe fayre termys bycause that here-
after he schuld not forbere hereafter for to schawe me
contenually of hys nwys, by whom y lerne and hyre
multe And hyt plese your grace, the sayeyng of the
sayd bysschop then was that the kynge hys lord harde
al the aforesayd maters, and toke everry thyng in
paschyens, sayeynge unto theym that so counsolyd hys
hy3ghnys that the kynge of Yngeland and he were and
be grete brothers and fryndys, and that the sayd mary-
age ys not defferyd but for smal causys the whyche bryfly
schuld be determynyd. And hyt plese yowre grace as
that many tymys by fore this y have certefied unto
your hy3ghnys that these pepyl here be wonders close,
sotyl, and crafty, to farr passeying myn understandeyng,
so that no man may be in a suerty almost of thayr
wordys, for that often tymys theyr dedys folowe not
the same And as to that sayeyngys of the bysschop,
that the kynge hys lord was at hys beyng yn Cevyl and
sythe moveyd by dyverse persons as aforesayed; the
whyche, and hyt plese yowr grace, I persayve that hyt
was so, for some thyngys were ordoryd and devysed

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acordeynge to the same counsayle and the wayes and menys sowȝghte, stodeyd and devysyd howe that the money that the commendador browȝh[te] yn to yowr reame for my lady the prynces maryaje myȝghte be convayed hether ayen. Al the whyche counsaylys so gevyn to the kynge of Arragon, and hyt plese yowr grace, was nother gevyn nor spoken by non grete astatys of thys land ; for the kynge had never a grete astate nor lord of the reame of Castyl wythe hym yn the sayd journey into the Andoloysa excepte the bisschop of Palencya and the bysschop of Mayeorne, whyche ys nowe archebysschope of Granada, and the bysschop of Segovya, and the bysschop of Canarya, and the bysschop of Cedad Rodrygo, and the presedent wythe the twelve of the lernyd counsel of thys land and the secretary Almasan and Fernando de Vega, wythe suche other and Aragonesis, the whyche non of them be of no power. Fynally, and hyt plese your grace, here wythe the kynge of Aragon there ys no thyng don wythe oute the counsayle of the secretary Almasan, the whych Almasan ys ryȝhte secrete and a sotel man in workeynge, aplyeynge hym self wythe al hys delygencys for the advantage of the kynge hys lord and for hys asurance and abydeynge yn Castyl, the whych ys al theyr myndys of the sayd kyngys afenye.

And hyt plese your grace, I delyvered unto the kynge of Aragon the copy wretin yn Latyn of the nobyl tryumfe of the nobyl maryaje of my lady Mary your nobyl daughter and the prynce of Castyl. The kynge commandyd Almasan for to copy hyt ynto Castelyas, howe be that yowr grace may be ryȝhte wel insuryd that hyt ys muche more dysplesure to the kynge and all his afenye then conforte for to hyre of the said nobyl maryage, yn so muche, and hyt plese your grace that they saye and wylnot belyve that the sayd excelent

maryage ys so concludeyd, that the trwe Castylyans, ^{April, 1509.} as the grete capytan¹ and mani other to whom I have gebyn copyes wretyn in Castelyan, they do belyve hyt and take grete rejoyseyng thereyn, and thereby they do trust for to have ry;ghte muche socur and conforte And as to the sayd grete capytan as by my other letters of late y have certefyed unto yowr hyghnys that he was determynyd for to do hys servyse unto yowr grace and unto themperowr and yn the ry;ghte and favor of the prynce of Castyl hys natural lord, howe be that the sayeynge of the sayd duke ys, and hyt plesse your grace, that he of late consydorythe the grete sclacknys that ys yn themperowr yn mani ways, sayeynge that hyt ys nere by an hole yere that a servant of hys hathe byn yn themperowrs corte for to knowe hys plesure, of the whyche he can have non awnswer, the whyche puttythe hym yn grete fere howe that he and his cumpany schuld be intretyd in case that he and they schuld cum thether And also he sayethe that he seythe not what servyse that he schuld do yn that partys onles that the prynces comeynge schuld be hetherwardys schorteley, that not wythstandeynge the sayd dukes sayeynge ys that in case that yowr hy;ghnys schal plesse for to command hym, or themperour or the pryncys cownsayle wyl wryte unto hym assureynge hym that he schal be by theym entertaynyd and yntretyd to hys onure, that then immediatty he wyl repayre unto theym wythe al delyjence to him possybyl, the whyche he may not do wythe oute grete danger or joburdy of the leseynge of a grete part of hys goodys here and al the landys that he hathe yn the reame of Napulys; for in case so were that the sayd duke were departeyd from hens, al thys land schuldbe yn trobyl and hys fryndys. Howebe that, and hyt plesse your grace, that no mans

¹ Gonsalvo de Cordova.

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departeynge from thys land maye be more to the conforte of the prynce and to the dysplesure of the kynge of Aragon then thys grete capytan, the whyche as yet he nother hys fryndys have not byn favorabyllly delte wythe al by the kynge of Aragon Howe be that, and hyt plese your grace, nowe dayly y understand that the kynge makythe meanys to the sayd grete cappytan and to the markes de Plego, the cund de Cabra, and other, for to have theym yn clyne unto hym, the whyche y fere me that they wyl so do of verry nescessyte, onles that they schal schortely have other conforte from your hy;ghnys, and from themperowr and the pryncys counsayle, as unto the markes de Vyllena and the cunde de Benave[n]te] the kynge hath rewardyd theym wythe grete rentys, so, and hyt plese your grace, that the sayd markes and cunde do contynwe yn this corte wythe the kynge; howe be that trust hys hy;ghnys hath non unto the sayd markes, mani grete astatys be wel myndyd unto the prynce, but yn especyal the duke de Najara and the cunde de Myranda, and yn no wyse there can no man be sufferyd for to pas into Flanders; for many lordys, jantylmen, and other wold departe in case that they my;ghte pas, and suche as that be taken goynge or comeynge from the prynce be sore presonyd wythe oute favo[r].

Yowr grace may be wel insuryd that the kynge of Aragon ys sore dysplesed wythe the conclusyon of the maryage of the prynce of Castyl, and so the bysschop don Pedro sayed unto me yn secrete that the kynge hys lord had reason so for to be discontenteyd seyng the prynce which that schuld be hys enheretur for to be maryed wythe oute hys assente, and mucche more a grete prynce as that the kynge my lord ys To the whyche, and hyt plese your grace, y gave suche answers unto the whyche the sayd bysschopp concedeyd that

there was not so grete unkyndnys for to be derectyd ^{April, 1509.} unto yowr hy;ghnys as that hyt ys here by the kynges taken, for in as much as at the forst moschyon and contrantaschyon of the sayd maryage the kyng of Aragon was not yn the reame of Castyl and was in the reame of Napulys, and hyt was not at that tyme thoughte that the sayd kyng at that tyme had or m;ghte have ani tytul, comandament, or interest in the reame of Castyl as that he hathe at thys daye, beyng the qwyn of Castyl alyve, the whyche ys the verrey enheretur of thys reame of Castyl, and after hyr of n;ghte must be the prynce Charlys hyr son, the whyche prynce was and ys in the ward and governance of themperowr, whyche is hys grandfader, and the sayd prynce and hys subjectys in the partys of Flanders beyng in grete trobyl and danger wythe the duke of Gelders by the ayde and conforte of the Fraynsche kyng For the whyche themperowr and the sayd pryncys cowncel in the sayd partys of Flanders sow;ghte and made labores unto the kyngys hy;ghnys of Yngeland my lord for to have hys favors and ayde for to defend the sayd [prynce an]d hys contrays and subjectys from theyr sayd enemyes or from any other . . . e same the . . . erd, and desyreid the kyng my lord that hys hy;ghnys wold plese for to geve my lady Mary hys dow;ghter unto the sayd prynce of Castyl in maryage, the kyngys hy;ghnys my lord consydorynge that the said prynce was tender of age, and the grete straye and nescessyte that he and hys cuntrays there and subjectys were in that partys and for the syngular desyre that the kyngys hy;ghnys my lord ever hathe had for to have augementaschyon of allyances wythe the blode of the kyng of Aragon yowr lord, the kyngys hy;ghnys my lord was the more and better contenteyd and plesyd for to ayde the sayd prynce of Castyl and also for to conclude

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maryage wythe the same And yet after that the kynge of Aragon was returnyd into Castyl, by fore the conclusyon of the sayd maryaje, by the conmandament of the kyngys grace my lord, beynge hys ambassaturys and themperowrs in the towne of Calles comunynge and in treteynge of the said maryage ys . . . a . . . d of the same unto the kynge yowr lord more tymys then oons hys hyghnys, sayeing thereunto no maner a thy[ng] . . . other . . . hen, sayeynge wel yn a good tyme, and also y schawed the same in lyke wyse unto yowr lordschyp and unto the secretary Almasan. Then, and hyt plese your grace, the sayeynge of the sayd bysschop was, "The conclusyon of the said maryaje ys grevos to the kynge my lord that hyt was don wythe owte his assent, notwythestandeynge, sythe that hyt ys don, the kynge my lord wyl not inno wyse be perforsyd for to confyrme the sayed maryaje as that the kynge of Yngeland yowr lord schuld constrayne hym, sayeynge that in case that the kynge my lord wylnot confyrme the maryaje by twyxt the prynce of Castyl and my lady Mary that hys son the prynce of Walys schalnot mary the prynces my lordes dowghter,¹ the whyche to my semeynge, he sayed, my thynkeythe that hyt is no just waye."

Then, and it plese yowr grace, my sayeynge was that yowr hyghnys inno wyse intendethe for to perforce the kynge hys lord for to do an thyng, howebe that y sayed as that y had byfore sayed unto the kyng and also unto hym acordeynge to the tenurys of yowr nobyl letters, consyderyng the grete alyancys that ys bytwyxt your hyghnyssys and yowr nobyl blodys, that hyt folowthe of a good congruence that the kynge of Aragon hys lord

¹ In the "Spanish Cal.," i p 459 it is suggested that Henry was making the marriage of his son with Catherine conditional upon his own with Juana, and Charles's with Mary.

schuld confyrme the sayd nobyl maryage wythe oute ^{April, 1509.} contradycschyon.

Then, and hyt plesed your grace, the bysschop sayed, "Swerely y owe my servyse to the kyng of Yngeland above al other pryncys excepte the kyng my lords; for the whyche I wold that he schuld oons mary the prince of Walys hys son unto the kyng my lordys dowyghter a cordeynge to hys prounyse, and that don, then for to saye unto the kyng my lord, "Brother trawythe hyt ys that y have wythe themperowr and theym of Flanders concludeyd maryage for my dowyghter wythe the prynce of Castyl, and for as muche as that hyt ys but wordys that y have made wythe theym, I wyl that I and yow do comune and bytwyxt us do make thys sayd maryage by twyxt the sayd prynce and my sayd dowyghter of the newe, so that hyt may stand in efecte " To the whyche thys maner the kyng my lord wyl be agreabyll, for hys hy3ghnys kn]owythe not in al the world where that the prynce of Castyl hys nepte my3ghte so wel mary as wythe [the] kyng of Yngelandys dowyghter And therefore the kyng of Yngeland yowr lord owyghte thys for to do after my mynd, and not therefore nor for the aqwytance of the prynces dote not for to deferr the maryage by twyxt the prynce hys son and the prynces my lordys dowyghter; for hys hy3ghnys hathe no reson so for to do, and hyt hathe byn seyn by the kyng my lordys counsaile and by the cownsaile of thys land, the wryteyngys by the whyche that the kyng of Yngeland ys bounden for to repaye the oon half of the prynces dote in case so schuld requere And in case so be that Farnando Duke¹ and the doctur de Puebla, for the plesure of the kyng of Yngeland, wold [or] dyd make wythe hys hy3ghnys an other apoyntament, the kyng and the qwyn here [were ne]ver agreabyll thereunto nor the

¹ of Estrada

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same [was] ever by theyr hy3ghnyssys confyrm[ed] nor the kyng my lord wold not abyde nor be bownd by there so doyng; ¹ f[or] in case that the qwyn of Castyl, Elyzabethe, had lyved, Farnando Duke and the doctor de Puebla had byn dysstroyed for theyre so doyngys. Notwythestandeynge al thys hyt schal not nede the kyng of Yngeland yowr lord for to aske non suche aqwy-tance, for yn case that hyt schulde so reqwere hys hy3ghnys ys no marchant who schuld or wold make warre [to] recover the sayd dote of hym."

Then and hyt plese yowr grace, myn answer was to the sayd bysschop, "Syr, ye knowe the kyngys hy3ghnys my lord wel, and ye knowe that hys hy3ghnys entendythe and lovythe al playnenys and trawythe wythe pryncys and other wythe oute dyssymulaschyon or alterrynge of any promysys by hys hy3ghnys made, and yn lyke wyse by other unto hys hy3ghnys made, to be fyrme and stabyl For the whyche, syr, y have hyt for on-dowteyd that hys hy3ghnys wold not have wretyn unto me for to declare and schawe unto the kyng your lord and to yow tucheynge that mater as that of late I dyd, onles that hys hyghnys had a vere juste and good cause, and that hys hy3ghnys intendythe for to aprove by fore yow or other dysscrete ambassaturs that the kyng yowr lord at thys tyme schal send unto the kyngys hy3ghnys my lord.'

Then, and hyt plese yowr grace, the sayeynge of the sayd bysschop was, "Vereli y do owe my servyse to my pouer to the kyng yowr lord, and not offendeynge the kyng my lord, and gladli wold do my delyjence for to helpe that a good end schuld be taken by twixt theyr hy3ghnysses. Howe be that there canbe no cownsel kepeyd in Yngeland that inmedyatyly hyt be not knowen

¹ Nevertheless, Ferdinand had repeatedly acknowledged his obligation, and excused his non-fulfilment of it

here, the whyche dothe muche hurte ; yet hyt ys not so evyl wreten by the commendador as by other ; howebe that at thys time the commendador hathe wretyn unto the kyng my lord and also unto me that the kyng yowr lord oponly hathe sayed that ye wrate unto hys hyghnys from Cevyl that I was apoynteyd and comeynge ynto Yngeland from thens as ambassatur, for the whyche cause y maye not speke nor do so largely as that y wold do, for that by the reason thereof y am had in a jolosity that y owe my favor and servyse unto the kyng of Yngeland yowr lord , for the whyche such sayeyngys had byn better sparyd "

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And hyt plesse yowr grace, acordeynge to my duty wyth al planys and trawthe y do at al tymys to my knowynge certefy unto yowr hyghnys of that I see and hyre yn thys . . . the chuld be to my grete jeburdy and to the dysservyse of yowr hyghnys in case that hyt were here dysclosyd by any wryteyng from yowr reame of Yngeland or other wyse, for, as byfore thys y have ceretefyed unto your hyghnys, that in case that your hyghnys had sent me unto the Turke or any kyng in the Barbory, y doute not but that y schuld for the favor of your hyghnys have as good chere and cumpany as that y have here, and the prynce of Castyls ambassatur in lykewyse, and al y do and schal suffer wythe fewe wordys and paschyens for the servyse of yowr grace dureynge yowr graschyus plesure , for he that schal contynewe her must suffer paschyence of force, hyreynge muche and saye lytel, or els schortely for to be destroyed

Yowr grace schal understand that the qwyn of Castyl¹ was browghte to Tordeselyas on the fyvetyn day of Marche that last pas, and hyr late kyngys corse wythe

¹ Juana, who carried her husband's corpse about with her for nearly fifty years until her death in 1555

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hyr and hyr younge infanta, and there sche contynwythe wythe a smal cumpany of servantys abowte hyr excepte Mo[nsen]. Ferrer and such Arragonesys as hyt plesythe the kynge hyr fader, and the bysschop of Malaga and the bysschop of Mondonedo; the whych bysschoppys be there for a countenance, but they speke not wythe the qwyn, nor to no man except Monsen. Ferrer. And hyt plese yowr grace, thys Tordeselyas ys the place where that the sayd qwynys grandame contynwyd and was keypyd many yerys after the deces of hyr kynge don John of Castyl, the sayd qwyne not beynge in hyr parfyte mynd; and so leke wyse thys qwyn ys leke for to be there keyped for the terme of hyr life¹. And hyr late kyngys corse not beynge beryed, by cause that the pepyle maye derecte² the les dyscreschyon in the sayd qwyn, thys land nowe beynge perforce fully obedyent unto the kynge of Aragon, and also the sayd kynge dayh usythe meanys for to have the 'astatys retaynyd unto hym. The cunde de Cabra ys cleryd and qwyteyd ayent the kynge by the leanyd counsel of the land, and on the syxtyn day of thys monythe of Apryel, so that the sayd cunde may goe home into hys cuntraye. And hyt plese your grace, the markes de Plego ys sent fore and ys comeynge to thys corte, and hyt ys sayed that the kynge wyl pardon hym and restore the sayd markes to hys onure, offycys and landys.

And acordeynge unto the comandament of yowr hyghnys y do and have conforteyd suche as that by³ the prynce of Castyllys fryndys here, that they schuld persever in theyr good myndys towardys the prynce of Castyl. And hyt plese yowr grace, they saye that they wole so gladly do, howe be that hyt ys and schalbe, they

¹ She lived the rest of her life there and died at Tordesillas in 1555 (Gomara, "Annals," ed. Merriman, p. 154)

² ? detect.

³ be

saye, to theyr utterly dysstruxschyons, in as muche as ^{April, 1509.} that the prynce comythe not nor ambassaturs from themperowr, nor from yowr grace and the sayd prynce for to se suche order taken that thys land be not dyspoyld and the pryncys fryndys dysstroyed For the defaute of suche order by your hyghnys and themperowr not taken at lengythe, thys land schalbe impoveryschyd and they to be dysstroyed, or els for to abayse theym selfe, for to take the kyng of Arragons parte, the costys of the whyche ambassaturys here after myghte be payed of the revenwys of Castyl Y se not, and hyt plese your grace, but that there schalbe non other provysyon of conforte hether yn the prynce of Castyl behalfe. Yowr grace schal understand that the cardynal of Toledo ys at Cartajena, were, by the kyng of Arragons conmandament and by the said cardynals provysyon, there ys an armye assemblyd of fyve or [sy]x thowsand . . . es . . . [th]e sayd cardynal wyl pay into the Barbary ayent the Morys; and some saye that he wyl to Rome and other twoo thowsand men schal by al thys monythe schyp at Valencya, the whyche schal pas yn to the reame of Napulys.

Of late by my sundry letters I have wretyn unto yowr hyghnys for to be socurryd wyth more money for myn expences for my grete nescessyte and danger of borowyng that y contenuallly am in here; the whyche my trust ys that hyt be al redy remembreyd and provydeyd by yowr graschyust conmandament by fore thys day, otherwyse y [may not] leve here like the servant of yowr most excelente grace oute of the danger of evyl sayers. And hyt plese your grace, that by any thyng that y can understand that hyt ys apoynteyd or schalbe that the cunde of Syfwentys, that ys presedent of the counsaile here, or the bysschop of Canarya, schal

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1509.

cum for ambassatur unto your grace. The delyverrance of the qwyn of Arragon of chyld, and hyt plese your grace, ys ourely lo[kyd] for to be, and of a swerty the qwyn of Castyl ys sore seke and yn grete jober [dy of] hyr lyf. Of the whyche [and] al other thyngys y schal hereafter make the certefycathe unto yowr hy;ghnys wythe the greteyst delygencys to my power by the grace of the Holy Gost, who preserve yowr royalyst astate long for to endure Wreyn yn Valadalyd on the syx and twenty day of Apryel, the fowr and twent yere of your nobyllyst reygne, by the most humyl and faytheful servant to yowr grace

Verryly, and hyt plese yowr grace, by the lytel hast that the kynge of Arragon makeythe yn the sendeynge of hys ambassators towardys yowr hy;ghnys acordeynge to hys sayeynge to me that he ys not so wel myndyd towardys yowr hy;ghnys as hyt were of reson reqwysyte consydorynge yowr grete alyancys, after my pore mynd

PART II ECCLESIASTICAL DOCUMENTS.

- A The Crown and the Papacy
- B The English Church and the Papacy
- C The Crown and the English Church
- D Ecclesiastical Wealth
- E The Liberties of the Church
- F Ecclesiastical Abuses
- G Heresy
- H Proceedings in Convocation

A. THE CROWN AND THE PAPACY

35

[“ Italian Relation,” p. 53]

This kingdom of England is not quite independent, I do not mean of the Empire, but of the Apostolic See. And I find in the Norman histories, that when King William, the first of that name, Duke of Normandy, was about to set out upon the conquest of England, he did homage for it to Pope Alexander the Second. But the English histories make no mention of this, and it is a forgotten thing

The English also write, that in the year of grace 1201, under the Pontificate of Innocent the Third, King John acknowledged to hold the kingdom from the Church of Rome, and paid a tribute of 2,000 marks annually. But this subsidy also seems to be forgotten by the Roman Church, which certainly is a wonderful thing. One only has remained, *viz.* that many years ago the English Kings, and the Danish Kings who reigned in England, bound themselves to pay a certain alms every year to the church of St Peter of Rome, which from that reason was called *Denarius Petri* (Peter's Pence). In later times, the Bishops, either to relieve the people, or to make money by it themselves, for they certainly are no losers by it, entered into a composition with the Apostolic Chamber, to pay a certain sum at once, to some person who should reside in England for the purpose, on behalf of the Holy See, which agent goes by the name

of Apostolic Collector; and they say that this office is worth from 800 to 1000 crowns per annum

And this is what the island pays, at present, to the Church of Rome

36

[“Year Books,” 1 Henry VII, p 10, a judicial argument on the independence of the English crown.]

6 February,
1486.

Die Sabbati proximo post festum Purificationis Beatæ Mariæ, en le Parlement Chambre le Chancelier dedans [? *demanda*] les Justices qui sert [? *serait or soit*] fait de le alome¹ que fuit pris par Anglois des Florences cy en Angleterre, pur ce que le Saint Piere le Pape avoit mande a excommenger tous ceux qui attache le dit alome de les Florences etc. Et fuit dit per plusiours des Justices que, quand les marchandizes viennent en le terre par le sauf conduit le Roy, le Roy doit este sauferde² a les marchants, que ils ne seront despoiles deins sa terre, & principalement par ses liges Et Monseignior Hussey disoit que en temps Ed. le iv un Legat fuit a Calice & mist au Roy a aver son gard pur vener en sa terre, & donq en le pleine Conselle devant les Seigneurs & Justices fuit dedans [*demandé*?] qui sera fait Qui disent que sera mande ale Legat, & si que il voile jurer que il n'ad rien porte ove [*avec*] luy qui sera en derogation du Roy et de la Corone, il aura licence, ou autrement nemy Et l'Evesque de Ely issint fait son Legat qui est icy a or [*à heure*? = *now*], a jurer a Calice que il n'avoit ascun chose qui sera prejudicial au Roy & a

¹ The Pope's alum mines, and the trade in alum were a great source of profit and dispute. see “ Venetian Cal.,” i 160-1, “ Letters and Papers,” ii. 168, where it is said that Henry has incurred papal censure for permitting the import of alum from infidel countries.

² The point is that the protection should rest on royal and not on papal sanction.

sa Corone. Et dit oustre que un grand commodite en ^{February, 1486.} cette terre est par la fesance de les draps qui ne poient estre performes sans allomes. Purquoi etc. Et le Chief Justice dit que en le temps E le premier, le Pape mist lettres au dit Roy que il prendra paix ove Scotland, que fuit tener de luy & que il mettra le matre a luy Et le Roy par advis de son Consel escrit ale Pape, que il n'y avoit en le temporalte ascuns persons sus luy, eins que il est immediat a Dieu. Purquoi etc. Et tous les Seigniors escriver [*écrivent*] ale Pape, que coment que le Roy voile donner son droit que il ad en Scotland de luy, il ne fer[ai]t, car cestuy qui est Roy d'Angleterre, en tout parmesme Seigneur de Escoce. Et l'Evesque de Londres disoit que il veia en temps le Roy H 6 que quand le Pape mist lettres que furent en derogation du Roy etc. et les espiituels n'osent parler de ca, Humfrey Duc de Glocestre prist les lettres et mist eux en feu, & ils furent ars [*burnt*] Et donq en conclusin tind' que les biens seront restores, mes ils voille este advises

37.

[Appointment of a king's solicitor at the papal curia, Campbell's "Materials," i 176]

Henricus Die gratia rex Angliæ et Franciæ et dominus ^{20 November, 1485.} Hiberniæ, reverendo in Christo patri Johanni Wigoriensi episcopo, cancellario nostro, salutem. Vobis mandamus quod, litteras nostras patentes sub magno sigillo nostro in forma sequenti fieri faciatis Rex etc. dilecto sibi in Christo magistro Johanni Dunmowe in jure civili doctore, salutem. Sciatis quod nos, de discretionem fidelitate et industria vestris plenam in domino fiduciam habentes, ad proseguendum in Romana curia, pro nobis et nomine nostro, promotiones quorumcumque clericorum nostrorum ad ecclesias cathedrales, pro tempore vacaturas, per nos recommendatorum ad eas-

November,
1485

dem ; necnon ad gerenda, exercenda, et expedienda alia negotia nostra quæcumque, apud sedem apostolicam quomodolibet tangentia, cum potestate inducendi quas-cumque probationes requisitas in hoc casu, de avisamento magni concilii nostri, vos nostrum verum legitimum et indubitatum procuratorem, actorem, factorem, negotia-torem, gestorem et nuntium specialem constituimus, præficimus et creamus per præsentis, cum emolumentis et salario ejusdem officii consuetis Injungentes et fir-miter mandantes quibuscumque ligeis nostris, apud sedem eandem pro tempore existentibus, cujuscumque status, gradus seu conditonis existant, quatinus vobis in executione præmissorum, cum suis sanis consiliis, auxiliis et favoribus effectualiter obediant et intendant, prout decet

38

[*Ibid* i 323]

28 Feb-
ruary, 1486.

Appointment of J, bishop of Durham, John Dun-mowe, and Hugh Spaldyng to be the king's proctors at the court of Rome, to prosecute all promotions to cathedrals which shall become vacant, and to endeavour to obtain that the recommendations of the Crown shall in all cases meet with success.

39.

[Henry VII to Innocent VIII on the value of papal excommunication, "Venetian Cal," i 164-5 The letter is printed in full in Gardner's "Letters and Papers," i 94-6]

Kentl-
worth,
5 July,
1487.

Shortly after we had marched an army against our enemies and rebels a report, erroneous and forged, was circulated in London and Westminster, and spread through many other parts of the kingdom, that we had been put to flight and our whole army dispersed. When this was heard some of those who, by reason of their

crimes, enjoy the privileges and immunities of West-July, 1487. minster, being of opinion that after the commission of any nefarious crime soever they could have the free privilege of returning to that sanctuary (as we wrote more at large to your Holiness for the reform of enormities of this sort), took up arms for the purpose of plundering the houses of those whom they knew to be in the field with us, and mustered in a body for the commission of crime

Amongst their number was one John Swit, who said, —“And what signify censures of Church or Pontiff? Do you not perceive that interdicts of that sort are of no weight whatever, since you see with your own eyes that those very men who obtained such in their own favour are routed, and that the whole anathema has recoiled upon their own heads?” On pronouncing these words he instantly fell dead upon the ground, and his face and body immediately became blacker than soot itself, and shortly afterwards the corpse emitted such a stench that no one soever could approach it. Verily we give thanks to Almighty God, who, of his ineffable mercy has exhibited in our kingdom so great a miracle concerning the Christian faith

As some of the prelates of Ireland, namely, the Archbishop of Dublin, the Archbishop of Armagh, and the Bishops of Meath and Kildare, lent assistance to the rebels, and to a certain spurious lad, whom victory has now delivered into our hands, they pretending that the lad was the son of the late Duke of Clarence, and crowning him as King of England,—we implore your Holiness to cite them as having incurred the censure of the Church, and proceed against them at law

In fine you will leave to others most positive precepts not to attack us thus flagitiously for the future.¹

¹ This sentence is a singularly infelicitous translation of the Latin “*alios denique ne hujusmodi impostorum facinora aggre-*

[The Pope replies to Henry's request by excommunicating the rebels; procedure for the publication of the bull, Wilkins' "Concilia," iii. 623]

Lambeth,
4 August,
1488.

Universis sanctæ matris ecclesiæ filiis, ad quos, præsentibus literæ nostræ pervenerint, sive hoc præsens publicum instrumentum pervenerit, Johannes permissione divina Cantuariensis archiepiscopus, totius Angliæ primas . . . Ad universitatis vestræ notitiam deducimus et deduci volumus, quod anno M cccc lxxxviii. indictione sexta, pontificatus sanctissimi in Christo patris et domini nostri domini Innocentiæ divina providentia papæ octavi, anno quarto, mensis vero Augusti die quarta, coram nobis in quadam interiori camera infra manerium nostrum de Lamethith, Wintonensis dioceseos, nostræ provinciæ Cantuariensis situatum, pro tribunali judicialiter sedentibus, in notarii publici subscripti scribæ nostræ in hac parte specialiter assumpti ac testium infrascriptorum præsentia, comparuit personaliter venerabilis vir magister Thomas Cook, legum doctor, magister audientiæ causarum et negotiorum auditor, et ex parte excellentissimi in Christo principis et domini, domini Henrici, Dei gratia regis Angliæ et Franciæ et domini Hiberniæ, et illustrissimæ dominæ, dominæ Elizabeth, consortis suæ, quasdam literas apostolicas, more Romanæ curiæ cum filo rubei et crocei colorum sigillatas, tenorem continentes subsequentem, nobis realiter præsentavit et exhibuit, et ex parte dictorum domini regis et reginæ nobis humiliter supplicavit, ut cum idem dominus rex, et præfata domina regina necesse habeant easdem literas,

diantur certissima relinquet [vestra Sanctitas] documenta," which might better be rendered "[By so doing] your Holiness will provide the most conclusive warnings for others against attempting such crimes in the future".

quas non habent, ut asseruit, duplicatas, in diversis ^{August, 1488.} mundi partibus, non modicum ab invicem¹ distantibus, realiter exhibere et ostendere, ne propter viarum discrimina, casus adversos, et alia imminencia pericula, quæ frequenter accidunt, literæ apostolicæ originales prædictæ, si ad hujusmodi partes deferantur, sive portentur, forsan perirent, sive deperderentur, nos easdem literas apostolicas originales inspicere, palpare, examinare, et publicare, easque sic inspectas, palpatas, examinatasque transcribi, transumi, et exemplari facere, sub autentica forma, nostris auctoritate et decreto dignaremur, ita quod hujusmodi transcripto, transumpto, et exemplo, sicuti dictis literis originalibus ubilibet, in agendis tam in judicio quam extra judicium, plena fides valeat et debeat merito adhiberi, quarum quidem literarum apostolicarum tenor de verbo ad verbum sequitur, et est talis.

Innocentius episcopus, servus servorum Dei, ad perpetuam rei memoriam Sedis apostolicæ providentia plurimum circumspecta, intenta saluti animarum Christi fidelium ac paci, quieti et tranquillitati catholicorum regum, et principum, regnorum et dominiorum eorundem conservationi, dubia, quæ ex ordinatis propterea per eam pro tempore oriuntur, dilucidat et declarat, et sic ordinata ampliat et extendit, prout in Domino conspicit salubriter expedire Dudum siquidem ad obviandum bellis et dissensionibus, quæ in regno Angliæ retroactis temporibus, occasione juris succedendi in eodem regno, inter prædecessores charissimi in Christo filii nostri Henrici septimi, regis, et charissimæ in Christo filiæ nostræ Elizabeth, reginæ Angliæ, illustrium, humani generis hoste procurante, diu viguerant, inter cætera, motu proprio, et ex certa nostra scientia, per alias literas

¹ "No little distance from one another"; "ab invicem" is used in this way in the Vulgate, Matthew, xxv. 32.

August,
1488

nostras monuimus et requisivimus omnes et singulos dicti regni incolas, et ejusdem Henrici regis subditos, cujuscunque gradus, status, seu conditionis existent, etiamsi ducali vel majori dignitate præfulgerent, eisque et cuilibet eorum districte præcipiendo, ne ipsi aut aliquis eorum novos tumultus, occasione dicti juris succedendi in dicto regno, vel quovis quæsito colore, aut quacunque alia de causa, per se, vel aliū seu alios movere seu moveri facere aut pati, tranquillitative ipsius regni contravenire quovismodo præsumerent, sub excommunicationis et majoris anathematis pœna, quam omnes et singuli hujuscemodi tumultus novos excitantes, vel excitari facientes, ac pacis et regni præfati tranquillitatem perturbantes, aut prædictis contravenientes, extunc eo ipso incurrerent, eosque incurrere, et illius vinculo innotatos et involutos ipso facto esse, eisdem motu et scientia volumus, statuimus, decrevimus, et declaravimus; a quo quidem excommunicationis et anathematis vinculo ab alio quam sede prædicta, aut cui ipsa sedes id specialiter et specificè committeret, præterquam in mortis articulo constituti, requirent absolutionis beneficium obtinere; et quoscunque tam principes externos, quam dicti regni incolas, præstantes opem et succursum eidem Henrico regi, ejusque descendentibus in eodem regno successoribus, Angliæ regibus, contra eorum rebelles, aut aliqua contra præmissa quovis pacto molentes, eisdem motu et scientia benediximus, et illis, quos sic faciendo in tam justa causa decedere contingeret, plenariam omnium peccatorum suorum indulgentiam et remissionem elargiti sumus; deputatis etiam super his executoribus, qui tales publicarent et facerent ab aliis publicari, ac legitimis super his habendis servatis processibus, censuras et pœnas prædictas iteratis vicibus aggravarent; prout in eisdem literis, quarum tenorem, acsi de verbo ad verbum præ-

sentibus insereretur, haberi volumus pro sufficie^{nter August,}
 expresso, plenius continetur Cum autem, si^{cut 1488.}
 accepimus a nonnullis, revocetur in dubium, an in
 monitione, requisitione, inhibitione, et literis prædicti,
 includantur Hiberniæ et aliorum locorum, temporali
 dominio dicti regis subjectorum, extra tamen regnum
 prædictum consistentium, incolæ, monitioni, requisitioni,
 inhibitioni prædictis non parentes, vereanturque rex et
 regina, ne prædictione ecclesiasticæ personæ regni et
 dominiorum prædictorum in prædictis literis non inclusæ,
 hujuscemodi novos tumultus et perturbationes excitent,
 et faciant, ac procurent ab aliis excitari, nos, quibus ex
 pastoralis officio præcipue conservandæ pacis et quietis
 inter populos et regna christiana cura incumbit super
 his debite providere, ne fidelium animæ aliquorum
 perversorum suasionem censuris et pœnis prædictis illa-
 queatæ remaneant, et hujuscemodi ambiguitatis dubium
 summovere, et ne ecclesiasticæ personæ prædictæ ad ea,
 quæ secularibus personis interdicta sunt, impune pro-
 rum pant, volentes, motu simili, non ad eorundem regis
 et reginæ, aut ad alicujus alterius pro eis, nobis super
 hoc oblata petitionis instantiam, sed de nostra mera
 deliberatione, et ex simili scientia, auctoritate apostolica,
 tenore præsentium declaramus, Hiberniæ, et aliorum
 locorum et dominiorum dicto regni subjectorum, extra
 dictum regnum consistentium, incolæ seculares, qui
 hujuscemodi novos tumultus, occasione dicti juris suc-
 cedendi in eisdem regno et dominiis, vel alias movere,
 et excitare non verebuntur, cujuscunque dignitatis,
 status, gradus, ordinis, conditionis, vel præeminentiae
 sint, vel fuerint, in dictis monitione, requisitione,
 inhibitione, et literis inclusos esse, et illos ex eis, qui
 monitioni, requisitioni, et inhibitioni prædictis non
 paruerint, excommunicationis et anathematis sententiam
 prædictam incurrere debere, et eosdem executores ac ab

August,
1488.

eis deputatos subexecutores, excommunicatos, et anathematizatos publice nunciare, et ad censurarum earundem aggravationem contra eos procedere, et alia eis demandata facere posse, juxta literarum earundem continentiam atque formam, et sic nostræ intentionis esse, ac per quoscunque auditores, et judices, etiam sanctæ Romanæ ecclesiæ cardinales, in quavis causa judicari et interpretari debere, sublata eis et eorum cuilibet quavis aliter judicandi et interpretandi facultate, et auctoritate, ac irritum et inane, si secus super hiis a quoquam, quavis auctoritate scienter vel ignoranter contigerit attemptari, eisdem motu, scientia, et auctoritate decernimus, ac easdem monitionem, requisitionem et inhibitionem ad personas ecclesiasticas, etiam cujusvis ordinis religiosas, exemptas et non exemptas, in præfatis regno Hiberniæ, et aliis dominiis ipsius regis constitutas, cujuscunque status, gradus, ordinis, et conditionis existant, etiamsi episcopali vel alia quavis etiam majori dignitate ecclesiastica præfulgeant, similibus motu, scientia, et auctoritate extendimus et extendendo, easdem ecclesiasticas personas, et quamlibet earum dicta auctoritate pari modo monemus, requirimus, et inhibemus eisdem, ne novos tumultus hujusmodi suscitare, movere, seu jam motos fovere, nutrire, et manutenerere, seu quempiam ad illos incitare, neve paci et tranquillitati ipsius regni et dominiorum ejusdem regis, etiam extra regnum ipsum consistentium, contravenire quovismodo præsumant, sub interdicti ingressus ecclesiæ per episcopos et superiores ab eis, et excommunicationis et anathematis lata sententia per alios inferiores ab eis, qui contraverint, eo ipso incurrenda, ita ut si episcopali et majori dignitate ecclesiastica fungentes sub hujusmodi interdicto per decem dies permanere non formidaverint, extunc lapsis diebus eisdem, a suarum ecclesiarum regiminibus suspendi existant; et si suspensionem

eandem per viginti dies, præfatos decem dies immediate August, 1488
 sequentes, animo, quod absit, sustinuerint indurato, excommunicationis et anathematis sententia, prout alii inferiores innodati sint, et esse censeantur eo ipso: non obstantibus præmissis ac apostolicis, necnon bonæ memoriæ Othonis et Octoboni, olim in dicto regno Angliæ ejusdem sedis legatorum, ac in provincialibus et synodalibus conciliis editis, generalibus vel specialibus constitutionibus et ordinationibus, necnon omnibus illis, quæ in literis prædictis volumus non obstare, cæterisque contrariis quibuscunque, et quia difficile foret præsentibus et alias literas prædictas ad singula quæque loca, in quibus expediens fuerit, deferre, volumus et eadem auctoritate decernimus, quod illarum transumptis manu publici notarii inde rogati, subscriptis, et sigillo alicujus personæ in ecclesiastica dignitate constitutæ, aut curiæ ecclesiasticæ monitis, ea prorsus in judicio et extra, et alias ubilibet, fides adhibeatur, quæ præsentibus et aliis literis prædictis adhiberetur, si essent exhibitæ, vel ostensæ Nulli ergo omnino hominum liceat hanc paginam nostræ declarationis, constitutionis, extentionis, monitionis, requisitionis, inhibitionis, voluntatis, et decreti infringere, vel ei ausu temerario contraire, si quis autem hoc attemptare præsumpserit, indignationem omnipotentis Dei, et beatorum Petri et Pauli apostolorum ejus, se noverit incursurum Dat Romæ apud sanctum Petrum anno Incarnationis dominicæ M. cccc lxxxviii 17 May, 1488
 decimo sexto Calend. Junii, pontificatus nostri anno quarto

Unde nos archiepiscopus, primas, et legatus antedictus, supplicationem prædictam consonam esse rationi censes, præfatas literas apostolicas per antedictum magistrum Thomam Cook, nomine prælibatorum regis et reginæ exhibitas, in notarii et testium subscriptorum præsentia palpavimus, inspeximus, et examinavimus

May, 1488 diligenter ; et quia hujusmodi literas non abrasas, nec abollitas, non cancellatas, nec vitiatas, sed sanas et integras, ac omni prorsus vitio et sinistra suspicione carentes invenimus, ne præfato metuendissimo domino nostro regi, seu recolendissimæ dominæ nostræ reginæ consorti suæ, facultas aut copia probationis contentorum in hujusmodi literis, si per adversus casus ad loca supradicta eadem literæ originales apostolicæ, portatæ, sive delatæ deperderentur aut perirent, auferatur . ideo nos Johannes archiepiscopus antedictus, ad omnem juris effectum, qui exinde sequi poterit, pro tribunali, ut præfertur, sedentes, literas apostolicas antedictas, ut præmittitur, per nos inspectas et examinatas publicavimus, easque per notarium publicum subscriptum transumi, transcribi, et exemplari, atque in hanc publicam formam redigi, necnon præsens transumptum sive transcriptum subscribi, signoque ejusdem notarii signari fecimus consueto, huic etiam transumpto sive transcripto plenam fidem inposterum, sicuti dictis literis originalibus apostolicis, adhibendam fore decrevimus, et in præsentì decernimus ubilibet in agendis In quorum omnium fidem et testimonium præmissorum huic præsentì instrumento transumpto, sive transcripto etiam sigillum nostrum duximus apponendum Data et acta sunt hæc omnia et singula, prout supra scribuntur et recitantur, sub anno Domini, indictione, pontificatu, mense, die, et loco prædictis, præsentibus tunc ibidem magistro Rumpayne, et domine Johanne Roche capellano, Bathon et Wellen. ac Cantuarien. diocæ testibus ad præmissa vocatis specialiter et rogatis

41.

[" The contents of the King's letters sent by his Grace to the Pope's Holiness, concerning provision to be made to resist the malicious disposition of the Great Turk, enemy to the Christian faith, anno 17 Henry VII, 1502," printed in Halliwell's " Letters of the Kings," i 125-94, from B M Cotton MS Cleopatra, E. ii. f. 150 For later correspondence on this subject, see Gairdner's " Letters and Papers," ii 170-8]

First his highness rehearseth the contents of the brief ^{1502.} sent from our holy father the Pope unto him, bearing date the 3rd day of November last past, by the which brief the king's grace perceived the great peril that the commonwealth of the Christian faith by war made by the said Turk stand in, and daily is like to stand in more, if short remedy be not provided

And for provision in this behalf, the Pope's holiness hath named certain legates to be sent to all Christian princes, and to cause such princes as be in dissention, division, or variance, to be in love, peace and unity, in such peace and unity had, the said legates to enter communication and take conclusions with the said princes, how and in what manner and form it should be best to withstand the said Turk

And also that the legates should have authority to publish jubilee, and to receive subsidies and dismes in such realms and countries as they should be sent to, by which subsidies and dismes the war against the Turk might be maintained and continued

Also our holy father the Pope sheweth in his brief that he, of his good mind, with the uttermost of his goods, and his brethren the cardinals likewise with their goods, will do all that in them is to withstand the malice of the said Turk, and furthermore in defence of the Christian faith, our said holy father the Pope, of his entire and blessed mind, so that he may have assistance

1502. of the king of Spain or the king of France in their persons, will go in his own proper person to oppress the great and most cruel malice of the same Turk.

Also the Pope writeth of the tripartite war that his highness had decreed and determined against the said Turk, and how the Hungarians and Bohemians and the Poles, the which shall make war by land against the said Turk, shall have aid in money of the princes of Italy, and other that may not personally be in the wars, the which discreet ordinance and provision the king's highness right well considereth, marketh, and commendeth.

Furthermore the same our holy father hath required and designed the king's grace, that seeing if remedy be not had this winter, the Turk is like the next summer to be in the parts of Italy to the subversion of Christian faith, to call the nobles of this land together without delay, and to understand their mind in this behalf. And the Pope his holiness thinketh it right accordingly, that the king in his person, with navy convenient, give his assistance against the Turk on his part and desireth the king's grace to be certified speedily, when in person, with what navy, and in what place he will apply

[*Here beginneth the King's answer to the contents of the Pope's brief*]

The contents of the premisses considered, the king's grace hath been, is, and always will be, as sorry as any Christian prince that the Turk should anything attempt against the Christian religion, and willeth and desireth as much as any Christian prince, that the same Turk may be at this time withstood, rebuked, and punished that he ne noon of his successors shall dare hereafter so temerously anything attempt against the Christian faith. The king, considering that the malice of the Turk and jeopardy of the Christian faith is at hand, greatly com-

mendeth the singular wisdom of our holy father the Pope, in causing peace and unity to be made among the Christian princes which be at dissention and division, which dissentions and divisions hath given the Turk great boldness to attempt the war against the Christian faith—albeit the king's grace is, and of long time hath been, thanked be God, at peace with all Christian princes.

Furthermore the king's grace, considering that the Pope in his own person, having the assistance of the king of France or the king of Spain, intendeth to go against the said Turk and to jeopard his life, thinketh his highness worthy great thanks of God and man, forasmuch as he had lever offer himself to the jeopardy of war to suffer death, than to see the Christian faith in jeopardy, in that following the example of Christ, whose place he occupieth here on earth, and sorry the king's highness is that he, seeing the distance of his realm from those parts may not conveniently with his navy and power in so holy a purpose give assistance according to his mind

Also the king's grace greatly commendeth his two cousins the kings of France and Spain, and specially him that will give personal assistance unto the Pope's holiness in this behalf And it is to be thought that one of them might give better assistance in this cause than any other prince, seeing that they both have navies, masters, mariners, knowing the jeopardies of those seas, and accustomed to sail to those parts. And also that the assistance of those two princes may be given with less than half the charge of other princes may, being in farther parts

Item, war to be made by land by the Germans, Hungarians, Bohemians and Poles against the said Turk, the king's grace greatly commendeth, seeing that they

1502,

be best acquainted and expert in faicts of war and frauds of the said Turks, and also nigh unto them and may do to them much annoyance, and with less cost and charge than other nations

And whereas the Pope's holiness desireth to know the king's mind, with what navy and at what time he will personally come to resist the said Turk's malice, the king's grace sheweth that he hath as good zeal and love to the defence of the Christian faith as any prince living and, according to the tenour of the Pope's brief, have called the nobles of this land, as well spiritual as temporal, being of his council in this behalf, the which counsellors, after long communication and great reasoning, thought that if the king should send any help or navy by the sea it should little profit, considering the far distance of those parts so to be beseiged, troubled or obsessed by the said Turk ; and also, the English mariners have not been accustomed to sail any farther but to Pyses,¹ which is not half the journey, for it is six or seven months sailing from Pyses to those parts where they might do the Turk any annoyance, and so all the cost done by sea should little or nothing profit in this behalf.

Item, the said counsellors say that the galleys coming from Vennes² towards England be commonly seven months sailing, and sometimes more Also they say that if so be the king should send from his royaume his navy by the sea, the men being in the same should need twice or thrice victualling or they should come where they should apply, and yet then peradventure they should apply where no succour would be had And also the said ships might be sore troubled with contrary winds, so that they should not come to do any good in in this great cause, and also considering the great

¹ Pisa² Venice.

storms and perils of the sea which commonly by fortune ¹⁵⁰² and hap parteth ships and driveth them to several coasts, and twiseth them often times to perish, and so there should be great costs and charges done by the king, and yet no annoyance thereby done to the said Turk

If there should be any number of ships and men, and such as were according to the king's honour, sent for the said expedition, yet considering the distance of his realm and the nighness of their realms, the king's costs and charges, albeit they should be very large, should appear far less than the charges of the other princes being nearer those parts, the which might with far less cost send ten thousand than the king's grace two thousand

Item, if the king should prepare captains and other men of war, and apparel and habiliments, and necessities to the said ships, it should be May, whatsoever diligence were done on the king's part, ere they should be ready to sail and it should be the last end of September ere the said ships should pass the straits of Morrok, and great difficulty to find any mariners able to take the rule and governance of the said ships sailing into so jeopardous and far parts. The premisses considered, it is hard and almost not feasible to send any navy thither for any profit by them to be done therein

The king's highness greatly sorroweth, and more than he can express, that in so laudable an holy expedition he can yet give the Pope's holiness no profitable assistance by the sea as his mind is, thinking that for war to be made by the sea, only one prince, head ruler and governor of great authority, power, name, dignity, policy and wisdom, is to be adjoined to the Pope's holiness in this behalf, to the which prince all other princes, after according and convenient rates in this behalf, may be contributory: and best it were to have not many rulers

1502.

and governors, for where be many heads and governors, oftentimes there is much distance, divisions and debates

And if it should please his cousin, the king of France, or his cousin and relation the king of Spain, to take the charge of so holy an expedition, considering the commodities of ports, navies and vitaille, which the said princes have plenty of, and the nearness of divers isles unto the said Turks, there is no prince so convenient as one of the said princes

And to that prince of the said princes that will take upon him, and with effect and good diligence will resist the said Turk, the king both with men and money meetly and conveniently for his part will give assistance, other princes, not personally being present to the said expedition, in likewise doing their part and being contributory, and also the king of the Romans, Hungary, Bohem and Polon, in like manner effectually making war by land against the said Turks

Furthermore, if neither of the said kings of France and Spain will take upon him the charge to give in proper person assistance to the Pope's holiness, the king for great love, zeal and good mind that he beareth to the religion of Christ's faith, and to his vicar here in earth, seeing that the Pope's holiness hath offered to go against the Turk in his own person, rather than his holiness should be left sole and destitute of assistance of other Christian princes, to the great slander and jeopardy of all Christian faith, and to the note and reproach of all Christian princes, the king's grace, albeit that he is farther from those parts than other princes be, and also that his costs by reason of such farness, should be greater than the other princes' should, yet, having a sufficient space to prepare himself to so long a journey, is contented in his own proper person, and with army ac-

ording, to take upon him the said charge, to come ^{1502.} personally and join with the Pope's said holiness, if the same Pope will personally go against the said Turk. And the king, during the war, so to continue according to his rate

Provided that the Pope's holiness shall assign a certain and sure port to which the king's grace with his army may come, and also shall provide sufficient navy, masters and mariners, armours and habiliments of war and vitail, and all other necessary things, to receive the said king and all his people, and all his and their stuff and carriage, and for the continuance of the same as long as the king and his army shall have need thereof

Item, That the said kings of France and Spain and all other princes christened, which may not personally come according to their states and dignities, be in this behalf contributory, partly in men, and partly in money And also the Pope shall provide that the king's grace and all his armies shall have sure and free journeying and passing by all lordships, cities, towns, fortresses, castles and other places, whatsoever they be, and all manner of places to be open to the said king and his army, and sufficient vitail and other necessities to be ministered to the said king and his host And also that the King of the Romans, with his army by land, and the Kings of Hungary, Bohem, and Polon, according to the decree of the Pope's holiness, begin to war against the said Turk, and so all the said kings and each of them, with their sufficient armies, continue with effect in the said wars, and in nowise cease them without express assent of the pope's holiness and the king's express assent

Item, it is thought to the king necessary that during the said war against the Turk, all Christian princes put apart divisions, dissensions, debates and wars, and defer them unto other times, and the mean time to surcease of

1502

all assaults, injuries, [and] hostilities, and surely and faithfully keep peace and concord among themselves, the which thing cannot be done but only by the pope's power and authority

Item, the King's grace remembereth a clause in the brief which the pope's holiness sent to him, wherein was contained that the pope intended to send a legate to divers roialmes and countries for certain aids, jubilees, and dymes to be published, the which legacy the pope's holiness, for divers reasonable and urgent causes, hath revoked, which revocation the king's grace thinketh not unprofitable

Item, whether the King for the said expedition in his person go against the Turk, or be contributory to such princes as shall go, it is thought expedient that the Pope's holiness command the said aids, jubilees, and dymes to be published by his vice collectors and other such as shall be deputed by him into this roialme, which thing, under so great a burden and charge to be borne and maintained, shall not be a little profitable

Item, the king's grace trusteth that the pope of his singular wisdom will benignly adnut the king's said causes and reasons as lawful, and his said offers equally to ponder, and not to think the king in his behalf to seek any colourable occasions or excuses, but to be as ready to the defence of Christian faith as any prince christened And in this behalf neither to spare goods, riches, nor men, nor yet his own proper person, if it be need, neither in no wise it shall stand by the king, as far as in him lieth, but that this expedition against the said Turk, to the laud of God and holy church, and to the defence of the universal faith, shall proceed with effect, and so continue till such time as it shall please Almighty God to give the victory against the enemies of this said faith and religion, and in this quarrel Christ's banners be spread against the said Turks.

B. THE ENGLISH CHURCH AND THE PAPACY.

42

[“ The Articles of the Bull of the holy Jubilee of full remission and great joy granted to the realm of England, Wales, Ireland, Gernesey and Garnesey [sic], and other places under the subjection of our Sovereign Lord King Henry the Seventh, to be distributed according to the true meaning of our Holy Father unto the King’s subjects by the hands of his dear and well-beloved William Butts, student in the University of Cambridge,”
 “ Letters and Papers,” ii 93-100]

Our most holy father the Pope, God’s vicar in earth, 1501
 of his holy and gracious disposition, fatherly beholding the whole flocks of Christian people committed to his care and charge, daily studieth diligently the health and welfare of their souls, and, in as much as is in his holiness, provideth for all such perils and jeopardies as may fall to the same, by granting of great indulgence and remission of sins and trespasses Whereas the holy year of grace now of late passed, that is to say, the year of remission of all sins, the year of great joy and gladness, was celebrate devoutly and solemnly kept by great and infinite number of Christian people in the court of Rome, our said most holy father the Pope, as well considering the infinite number of Christian people both spiritual and temporal which was desirous to have had the said remission and grace, and would have visited the said court of Rome, save only that they were let either by sickness, feebleness, poverty, long distance, and great jeopardy of ways or business and charge of spiritual or temporal occupation, or at that time purposed not to obtain and purchase the said grace, now be in will and desire to have the same, as willing and effectually desiring to provide and withstand the most cruel purpose and infinite malices of our most cruel enemies of our

1501. Christian faith the Turk, which continually studieth and greatly inforceth himself with all his might and strength to subvert and utterly destroy the holy religion of our sovereign Christ, as it is not unknown how now of late the said most cruel enemy hath obtained and gotten with great might and power many and divers great cities and castles, as Modon, Neoponton, and Corona, with many other towns and possessions which was then in the dominion and possession of Christian people, and most cruelly hath slain and destroyed infinite number of Christian people without mercy or pity, both by water and by land. Seeing and considering his holiness that he of himself is not sufficient ne of power to resist and withstand the foresaid great malices and purpose, without the aid and help of Christian people, hath statute, ordained and granted of his pastoral power as is contained in these articles following —

First, our sovereign lord King Henry the Seventh, with all his progeny, all archbishops, bishops, abbots, dukes, earls, barons, squires, gentlemen, yeomen, citizens, and strangers, and all other Christian people, both men and women, what degree or condition soever they be of, spiritual or temporal, secular or regular, dwelling or for a time abiding within the realm of England, Ireland, Wales, Gernesey, or Garnesey, (sic) or any other place under the rule or domination of our said sovereign lord the King, which at any time after the publication hereof to the last evensong of the Octaves of Easter next coming, truly confessed and contrite, visit such churches as shall be assigned to be visited by the right reverend father in God, Jasper Pon, prothonotary and doctor of divinity of our said holy father, the Pope's ambassador, and in this holy Jubilee commissary, or by other by him be[ing] substitute or deputed, and there put into the chest for the intent ordained such

sum or gratuity of money, gold or silver, as is limited and 1501. taxed here following in the last end of this paper, to be spent for the defence of our faith, shall have the same indulgence, pardon, and grace, with remission of all their sins, which they should have had if they had gone personally to Rome in the year of grace, and there visited all the churches assigned for that intent both within the city and without, and also done all other things required to have been done there for the obtaining of the said grace of the Jubilee

Also our said holy father hath given all power and authority to his said commissary and his deputies to choose and assign confessors and penitentiars, secular and regular, in all such places as shall please the said commissary or his deputies, to hear the confessions of all such, as are disposed to receive the pardon of this holy Jubilee, the which confessors and penitentiars shall have the same authority and power in every behalf which the penitentiars of Rome had at Rome in the year of grace, that is to say, they shall absolve of all manner of crimes, trespasses, transgressions, and sins, whatsoever they be, though the absolution thereof be reserved to the court of Rome or to the Pope himself, nothing except but such as was except to the penitentiars of Rome, and that was allonely the absolution of conspirators in the person of our holy father the Pope, or in th' estate of the see of Rome And also the falsayers of the Pope's bulls, and other writings passing from the court of Rome, of the sellers or conveyers of harness and other things prohibite to the heathen people ; and of those that layeth violent hands on bishops or other prelates of the church which be above bishops. And the said confessors shall have power to give and grant to all the said persons confessed and contrite, clean and full remission, which is called *a pœna et culpa*

1501.

Also the said confessors and penitentiars shall have power and authority to dispense and change all manner of vows into alms deed for the defence of our faith, none except, though it be to Rome, to Jerusalem, or to St James [of Compostella].

Also our said holy father, willing no man to be excluded from this great grace and indulgence, hath granted that all such as be sick and impotent, or otherwise diseased, so that they may not easily visit the churches assigned to be visited, shall have for them and all their household the said indulgence, remission and grace, as well as they did visit the said churches, first compounding effectually with the said commissary or his deputy for the same.

Also it is granted by our said holy father that all those that were at Rome this last year of grace shall be parteable and capax of this said grace and pardon if they will receive it

Also our said holy father hath granted to his said commissary and his substitutes full power to interpretate and declare all such doubts as may be found or be moved in this his grants, or in the execution of the same or any part thereof, willing and commanding that their interpretation shall effectually be taken and stand

Also our said holy father hath straitly commanded in the virtue of obedience, and under the pain of cursing, the sentence in that behalf given, of the which they may not be assoiled but of the Pope himself, first satisfaction made with the commissary or his deputy after the quality of the trespass, that none ordinary, secular or regular, or any other person, secular or regular, let his bulls or other writings made for declaration hereof, to be published in their churches, cities, or dioceses, where or when it shall be needful, nor that they shall ask or receive, though it be offered, any money or any reward

for the publication or sufferance thereof, or any otherwise let or hinder the expedition thereof and good speed of the said indulgence, or persuade, directly or indirectly, any person to withdraw their good mind or purpose in that behalf.

Also our said holy father chargeth and commandeth all preachers of the word of God, what condition soever they be, as well men of religion as other, that they shall publish and effectually declare in their preachings and other places, when they shall be required by the said commissary or his deputies, the said indulgence and pardon under the pain specified.

Also our said holy father hath disannulled and suspended all manner of pardons and grants, granted or to be granted, notwithstanding any special clause that they should not be revoked without speciall mention made *de verbo in verbo*.

Tax what every man shall put into the chest that will receive this great grace of their jubilee

First, every man and woman, what degree, condition, or state soever they be, if it be an archbishop, duke, or of any other dignity, spiritual or temporal, having lands, tenements or rents, amounting to the yearly value of 2,000 li. or above, must pay, or cause to be paid, to this holy intent and effect, for defence of our faith against the most great and cruel enemy of the same the Turk, if they will receive this great indulgence and grace of this jubilee for them self, their wives and their children not married, and effectually, without fraud or deceit, put into the chest ordained for that intent, of true and lawfull money current in that country where they be, three pounds six shillings and eight pence.

Also, every man and woman having tenements and rents to the yearly value of 1,000 li. or above, to the

1501. sum of 2,000 li. exclusive, must pay for them self and their wives and children xl. s.

Item, all those that hath lands, rents, etc. to the yearly value of 400 li. or above, to the sum of a 1,000 li. exclusive, must pay for themself, and their wives and children xxvj s viij. d.

Item, all those that have lands and rents, etc. to the yearly value of 200 li or above, to the sum of 400 li. exclusive, must pay for them self etc. xiiij s iiij. d.

Item, all those that have lands and rents etc. to the yearly value of 100 li. or above, to the sum of 200 li exclusive, must pay for them self etc. vj s viij. d.

Item, all those that have lands, rents, etc to the yearly value of xl. li or above, to the sum of one hundred pounds, exclusive, must pay for them self, etc.

ij s vj. d.

Item, all those that have lands, rents etc. to the yearly value of xx. li. or above, to the sum of xl li. exclusive, must pay them self etc. xvj d

Item, men of religion having lands, rents, and tenements to the yearly value of 2,000 li. or above, must pay for them and their convent, x. li.

Item, those that hath lands and rents etc. to the yearly value of 1,000 li. or above, to the yearly value of 2,000 li. exclusive, must pay for them self and their convent, x marks.

Item, all those that have lands and rents to the value of 500 li. or above to the value of 1,000 li. exclusive, must pay for them and their convent iiij li vj. s. viij. d.

Item, all those that hath lands and rents, etc. to the yearly value of 200 li. or above to the sum of 400 li. exclusive, must pay for themself and their convent xl. s.

Item, those that hath lands and rents, etc to the yearly value of 100 li. and above, to the sum of 200 li. exclusive, must pay for themself and their convent, xx. s.

Item, those that hath lands, etc. to the yearly value, of 150l. xl. li. and above, to the sum of 100 li must pay for themself and their convent, x. s.

Item, secular men and women, which hath lands and rents to the yearly value of xl li or under, whose moveable goods extendeth to the value of 1,000 li must pay for themself and their wives, xl. s.

Item, those whose goods moveable extendeth of 400 li. or above, to the sum of 1,000 li. exclusive, must pay for them self and their wives, etc. vj s viij. d.

Item, those whose goods moveable extendeth to the value of 200 li or above to the sum of 400 li., must pay for them self and their wives, etc. ij. s. vj. d.

Item, those whose goods moveable be within the value of 200 li. and not under 20 li. must pay for them self, their wives, and children not married, xij d.

Item, those whose goods moveable extendeth not to the value of xx. li. shall pay for them self, wife, and children as it shall please them of their devotion

The Articles of the Bull of dispensation with Simony, Usury, and of goods wrongfully kept, reserved to the Commissary only

Moreover, our said holy father the Pope, willing more largely to provide for the health and welfare of the souls of all Christian people dwelling or abiding in the realm and places above written, hath given and granted full authority and power to the venerable father in God, Jasper Pon [Powe, in MS.] his orator and commissary, to absolve and dispense with all manner of persons dwelling or abiding within the said realme or places above rehearsed, men or women, what degree or condition soever they be, spiritual or temporal, secular or regular, which hath committed simony in giving or receiving holy orders or benefices spiritual, or any other ways, that they may notwithstanding the said simony

1501. so committed, minister in the orders so received, and the benefices so obtained lawfully keep and occupy, and the fruits received or to be received occupy and dispose at their pleasure. And if the said persons by reason thereof have run in irregularity as they upon singing mass or otherwise ministering the holy sacraments of the church, the said commissary hath full power to dispense with that irregularity and to take away all infamy and unableness which they be in by reason of the same; always provided that the said persons make a composition hereof with the said commissary, and such money as they compound for effectually to pay to the said commissary to be spent in this holy use for the defence and relief of our faith

Also the said commissary hath power to compound, absolve, and dispense with all those that occupy evil gotten goods, all usurers, and all such that wrongfully and unlawfully occupyeth or withholdeth other men's goods by finding of goods hid, not knowing or doubting who be the owners of the said goods, or to whom they should make restitution, that they may lawfully keep and occupy the same goods,¹ first making composition for the same with the said commissary of some certain sum of money to be spent in the aforesaid holy use; that is to say, for the relief and defence of our faith against the most cruel and most bitter enemy of the same, the Turk

Also, if there be any willing to be create doctor in both laws, or in the one of them, the said commissary hath full power to do it as well as if he were create in any university.

¹ A flagrant example of the "conflict of laws" to which papal jurisdiction might give rise

43.

[Clerical taxation for a papal crusade against the Turks, Wilkins, "Concilia," III 646, the abbreviations in Wilkins have been expanded]

Alexander VI. papa ob defensionein fidei contra Tur-^{14 Febru-}
cas imposuit clero Anglicano subsidium unius integræ^{ary, 1502.}
decimæ Sed dominus rex libertates et immunitates
hujus regni¹ ante oculos habens, et volens novitatibus et
damnosis exemplis, ex quibus huic ecclesiæ incommoda
et dispendia futuris temporibus oriri et sequi possent,
viam præcludere—eundem sanctissimum papam persua-
sit, ut ab hujusmodi impositione decimarum infra hoc
regnum cessaret (prout de facto cessavit) et postea sub-
sidium ab ipsa ecclesia Anglicana adversus Turcas
summa cum instantia expostulavit, et mandat archie-
piscopo Cant. ad convocandum clerum in ecclesia
cathedr. S. Pauli London vel alibi, pout melius videre-
tur expedire, ad tractandum super præmissis.

Clerus in convocatione in ecclesia S. Pauli London.
14 Febr MDI. inchoata concesserunt ad defensionem
christianæ religionis contra Turcas 12000 libras, ad duos
anni terminos persolvendas ac per modum decimæ de
quibuscunque bonis beneficiis, et possessionibus ec-
clesiasticis, pensionibusque, et portionibus, necnon de
omnibus et singulis cantariis ad summam sive valorem
x librarum per annum se extendentibus, infra provinciam
Cant. existentibus etiam de quibuscunque bonis, bene-
ficiis, et possessionibus ecclesiasticis prioratuum alieni-
genarum, in quorumcunque manibus ecclesiasticorum
seu secularium vivorum taxatis et non taxatis et ad de-
cimam solvere consuetis et non consuetis—ac judicio,
voluntate, et arbitrio regis Henrici VII. ad effectum

¹ It should be noted that the word here is "regni" not "ecclesiæ".
but that the dangers anticipated threaten the church

February,
1502

supradictum distribuendas et disponendas. Concesserunt etiam pro collectione et levatione dicti subsidii, ac aliis oneribus supportandis summam 542 librarum. Quilibet collector hujus subsidii per ordinarium deputandus de qualibet libra per se collecta recipiat pro laboribus et expensis suis 8 denarios. Taxationes sequuntur

	£	s	d.
Dediocesi Cant. et eccl. Christi Cant immediatæ jurisdictionis	959	6	8
Dioec. Roff.	126	10	0
Dioec. Eliens.	172	13	4
Dioec. Winton.	973	6	8
Dioec. Sarum	1228	0	0
Dioec. Cicestr.	427	13	4
Dioec. Bath. et Well	617	16	8
Dioec. Norwic.	1883	0	0
Dioec. Exon.	464	13	4
Dioec. Cov et Lichf.	524	13	4
Dioec. Hereford	345	13	4
Dioec. Wigorn.	564	10	0
Dioec. London.	871	0	0
Dioec. Lincoln	2759	4	3 ob.
Jurisdiction S. Albani	68	19	0 ob.
Dioec. Meneven.	86	13	4
Dioec. Landav.	13	6	8
Dioec. Assaven.	40	0	0
Dioec. Bangor	15	0	0

44.

[The oath of fealty to the Papacy taken by Warham on his promotion to the archbishopric of Canterbury, Wilkins, "Concilia," iii. 697. A similar but briefer oath of obedience was taken by an archbishop on the receipt of the pall from Rome, *ibid.* iii. 647.]

1503.

Ego Guillelmus, archiepiscopus Cantuariensis ab hac hora inantea fidelis et obediens ero beato Petro, sanctæ-

que apostolicæ Romanæ ecclesiæ, ac domino nostro, 1503 domino Julio, papæ secundo, suisque successoribus, canonice intrantibus, non ero in consilio aut consensu, vel facto, ut vitam perdant aut membrum, seu capiantur, aut in eos manus violenter quomodolibet ingerantur, vel injuriæ aliquæ inferantur, quovis quæsito colore, consilium vero, quod mihi creditum sunt per se, aut per nuncios, seu literas, ad eorum damnum, me sciente, nemini pandam; papatum Romanum et regalia sancti Petri adjutor eis ad retinendum et defendendum contra omnem hominem legatum apostolicæ sedis in eundo et redeundo honorifice tractabo, et in suis necessitatibus adjuvabo, jura, honores, privilegia, et auctoritatem Romanæ ecclesiæ, domini nostri papæ, et successorum prædictorum conservare, defendere, augere et promovere curabo; nec ero in consilio, facto vel tractatu, in quibus contra ipsum dominum nostrum, vel eandem Romanam ecclesiam aliqua sinistra vel præjudicialia personarum, juris, honoris, status, et potestatis eorum machinentur; et si talia a quibuscunque procurari novero vel tractari, impediam hoc pro posse, et, quantumcyus potero, commode significabo eidem domino nostro, vel alteri, per quem ad ipsius notitiam pervenire possit; regulas sanctorum patrum, decreta, ordinationes, sententias, dispositiones, reservationes, provisiones, et mandata apostolica totis viribus observabo, et faciam ab aliis observari, ¹ hæreticos, schismaticos, et rebelles domino nostro, et successoribus prædictis pro posse prosequar, et impugnabo, vocatus ad synodum veniam, nisi præpeditus fuero canonica præpeditio, apostolo-

¹ By this oath the archbishop was bound to ignore or to violate the statutes of provisors and *præmunire*. Possibly, however, archbishops did not consider these statutes binding, since the whole body of the prelates in Parliament had protested on behalf of the two provinces against their enactment (see "Rot. Parl.," iiii. 264).

1503. rum limina, Romana curia existente citra, singulis annis, ultra vero montes, singulis bienniis, visitabo aut per me, aut per meum nuncium, nisi apostolica absolver licentia; possessiones vero ad mensam meam pertinentes non vendam, nec donabo, nec impignorabo, nec de novo infeudabo, vel aliquo modo alienabo, etiam cum consensu capituli ecclesiæ meæ, inconsulto Romano pontifice: sic me Deus adjuvet, et hæc sancta Dei evangelia.

45.

[Various illustrations of the exercise of papal jurisdiction over the English Church in Henry VII's reign]

1. Rymer's *Fædera* xii. 740. Bull of Alexander VI transferring the spiritual jurisdiction of Jersey, Guernsey, les Chaussées, Alderney, Herm and Sark, from the bishop of Coutances to the bishop of Winchester. 20 Jan. 1500.

2. *Ibid* xii. 541. Bull of Alexander VI limiting the privileges of sanctuaries. 5 July 1493

3. *Ibid* xiii. 104. Bull of Julius II excepting persons suspected of high treason from the privilege of sanctuary in England. 20 May 1504

4. *Ibid* xii. 562, 653, 738, xiii. 97. Bulls suppressing various priories etc.

5. Le Neve's *Fasti Eccles. Angl.* i. 24, 142-3, 248, 300, 340-1, 376-7, 466-7, 554, etc. Bulls providing and translating bishops. [Nearly all episcopal changes in Henry VII's reign were made by papal provision at the instance of the king.]

C. THE CROWN AND THE ENGLISH CHURCH.

46.

[A royal "congé d'élire," Rymer's "Fœdera," xii. 771.]

Rex, dilectis sibi in Christo priori ecclesiæ Christi Woodstock,
Cantuariensis & ejusdem loci Conventui, salutem. 9 January,
1501

Ex parte vestra nobis est humiliter supplicatum ut, cum ecclesia vestra prædicta per mortem recolendæ memoriæ domini Johannis Morton Cardinalis dudum Cantuariensis archiepiscopi, sit pastoris solatio destituta, vobis alium eligendi in pontificem & pastorem licentiam concedere dignaremur, nos, precibus vestris in hac parte favorabiliter inclinati, licentiam hujusmodi duximus concedendam; mandantes quod talem vobis eligatis in pontificem & pastorem, qui Deo devotus, ecclesiæ vestræ necessarius, nobisque & regno nostro utilis et fidelis existat

47

[Restitution of temporalities, Rymer, xii 771]

Rex escatori suo in comitatibus Norffolciæ & Suffolciæ, West-
salutem. Cum dominus summus Pontifex nuper, minster,
vacante ecclesia cathedrali Norwicensi per obitum bonæ 21 April,
memoriæ Thomæ nuper episcopi Norwicensis, dilectum 1501
nobis Richardum Nikke clericum, nuper decanum
capellæ nostræ, eidem ecclesiæ Norwicensi auctoritate
apostolica providerit, ipsumque illi præfecerit in episco-
pum & pastorem, sicut per literas bullatas ipsius domini
summi Pontificis nobis inde directas, nobis constat,
nos, pro eo quod idem episcopus omnibus & singulis
verbis, in prædictis literis bullatis contentis nobis &
coronæ nostræ præjudicialibus, coram nobis palam &
expresse renunciavit, & gratiæ nostræ humiliter se
submit, volentes cum eo in hac parte agere gratiose,

April,
1501.

cepimus fidelitatem ipsius episcopi nobis pro temporalibus episcopatus prædicti in manibus nostris ratione vacationis prædictæ existentibus debitam, & temporalia illa cum pertinentiis, prout moris est, restituumus eidem; et ideo tibi præcipimus quod eidem episcopo temporalia prædicta, cum pertinentiis in balliva tua sine dilacione liberes in forma prædicta, salvo jure cujushbet

Consimilia brevia diriguntur escætoribus subscriptis in comitatibus subscriptis sub eadem data; videlicet escætori regis in com. Midd., escætori regis in com Essex, dilecto regis majori civitatis suæ Norwici ac escætori suo in eadem civitate.

48

[The procedure for handing over an obstinate offender against the church to the secular arm was by means of a "significavit" from the bishop, in response to which the Crown issued a writ "de capiendo". The process is most familiar in connexion with heretics; but there is no suggestion that heresy was the offence in this case. Chancery Significations (P R O) File 115]

21 Febru-
ary, 1502

Excellentissimo in Christo principi et domino nostro, domino Henrico dei gratia regi Anglie et ffrancie et domino Hibernie illustrissimo, Willelmus, permissione divina Lincolnienſis episcopus, salutem in eo per quem reges regnant et principes dominantur Vestre regie maiestati tenore presentium significamus quod quidam Ricardus Withemann de Hynkley nostre diocesis, propter sua gravia delicta ac manifestas offensas sententia excommunicationis maioris auctoritate nostra ordinaria innodatus, et pro sic excommunicato publice denunciatus, in eadem excommunicationis maioris sententia per quadraginta dies et amplius perseveravit et adhuc perseverat animo pertinaciter indurato claves sancte matris ecclesie nequiter contempnendo Cum igitur ipsa sancta mater ecclesia non habeat quod ulterius facere valeat

in hac parte, serenitati vestre attentius supplicamus qua-
 tenus secundum hujus regni vestri consuetudinem contra ^{February, 1502.}
 prefatum Ricardum dignemini extendere dexteram vestre
 regie maiestatis. Datum nostro sub sigillo in hospicio
 nostro apud vetus Templum Londoniæ vicesimo primo
 die Mensis february anno Domino millesimo quingen-
 tesimo primo, et nostre translationis anno septimo.¹

49

[Royal writs for summoning the Convocations of Canterbury and
 York, Campbell's "Materials," ii 77]

Writ to the archbishop of Canterbury for a convoca-
 tion of the clergy of his province in the church of St. <sup>16 Decem-
ber, 1486</sup>
 Paul, London, or where else may seem more expedient.

Writ to the archbishop of York for a convocation of
 the clergy of his province in the church of St. Peter,
 York, or where else may seem to him more expedient.

50.

[Henry's dispensation from the Mortmain Acts granted to his
 mother probably for the purpose of the Lady Margaret founda-
 tions at Cambridge, Halliwell's "Letters of the Kings," i.
 180-3]

Madam, my most entirely well-beloved lady and ^{Greenwich, 17 July 1501 [?]}
 mother, I recommend me unto you in the most humble
 and lowly wise that I can, beseeching you of your daily
 and continual blessings By your confessor, the bearer,
 I have received your good and most loving writing, and
 by the same have heard at good leisure such credence
 as he would show unto me on your behalf, and there-
 upon have sped him in every behalf, without delay,
 according to your noble petition and desire, which

¹ William Smith was translated from Coventry and Lichfield to
 Lincoln by papal bull dated 6 November, 1495. The 21st February
 in his seventh year would therefore be in 1502.

July, 1501. *resteth in two principal points, the one for a general pardon for all manner of causes, the other is for to alter and change a part of a license which I had given unto you before for to be put into mortmain at Westminster, and now to be converted into the use of the University of Cambridge, for your soul's health, etc, all which things, according to your desire and pleasure, I have, with all my heart and good will, given and granted unto you, and my dame, not only in this but in all other things that I may know should be to your honour, and pleasure, and weal of your soul, I shall be as glad to please you as your heart can desire it, and I know well, that I am as much bounden so to do, as any creature living for the great and singular motherly love and affection that it hath pleased you at all times to bear towards me. Wherefore, mine own most loving mother, in my most hearty manner I thank you, beseeching you of your good continuance in the same. And madame, your said confessor hath moreover shown unto me, on your behalf, that ye, of your goodness and kind disposition, have given and granted unto me such title and interest as ye have, or ought to have, in such debts and duties which is owing and due unto you in France by the French king,¹ and other, wherefore, madame, in my most hearty and humble wise, I thank you. Howbeit I verily [think] it will be right hard to recover it, without it be driven by compulsion and force, rather than by any true justice, which is not yet, as we think, any convenient time to be put in execution. Nevertheless, it hath pleased you to give us a good interest, and mean, if they will not conform them to reason and good justice, to defend or offend at a convenient time, when the case shall so require hereafter; for such a chance may fall, that this, your grant, might stand in*

¹ See above, Vol. 1. Nos. 150, 151

great stead for a recovery of our right, and to make us July, 1501. free; whereas we be now bound etc. And verily, madame, an I might recover it at this time, or any other, ye be sure ye should have your pleasure therein, as I, and all that God has given me, is and ever shall [be] at your will and commandment, as I have instructed Master Fisher¹ more largely herein, as I doubt not but he will declare unto you. And I beseech you to send me your mind and pleasure in the same, which I shall be full glad to follow, with God's grace, which send and give unto you the full accomplishment of all your noble and virtuous desires. Written at Greenwich, the 17th day of July, with the hand of your most humble and loving son.

H R

After the writing of this letter, your confessor delivered unto me such letters and writings obligatory of your duties in France, which it hath pleased you to send unto me, which I have received by an indenture of every parcel of the same. Wherefore, eftsoons, in my most humble wise I thank you; and I purpose hereafter at better leisure, to know your mind and pleasure further therein. Madame, I have encumbered you now with this my long writing, but methinks that I can do no less, considering that it is so seldom that I do write, wherefore I beseech you to pardon me, for verily, madame, my sight is nothing so perfect as it has been, and I know well it will appayre daily, wherefore I trust that you will not be displeased, though I write not so often with mine own hand, for on my faith I have been three days or I could make an end of this letter

¹ Afterwards Cardinal and Bishop of Rochester.

51.

[Foundation of the convent of the Friars Observants at Greenwich, Campbell's "Materials," i 216. The Observants were much favoured by Henry VII and in his earlier years by Henry VIII]

14 Decem-
ber, 1485

Foundation of the convent of the Friars Minors of the observance of the Order of St Francis, in the town of Estgrenewiche, co. Kent, to the praise and glory of God, the Blessed Virgin Mary, St Francis, and All Saints . to consist of a guardian and twelve brethren : to possess the property mentioned below in frank almoign.

In substance upon the following recital .

King Edward IV having obtained authority from the Pope to found a house or convent for the use and habitation of the friars of the Franciscan Order, and wishing to have masses used in Estgrenewich, by James, bp of Norwich, and Edmund, bp of Rochester, specially deputed thereto, gave a parcel of land with certain old houses built thereon in Estgrenewiche, adjoining to his manor there (12 virgates in breadth, and 63 virgates in length), bought with his own monies, for a church, cemetery, cloister, refectory, dormitory, "ortos," and other premises necessary for a convent belonging to the said order, to certain brethren of the order then present, and their successors, for the use and habitation of the Friars Minors of their observance in perpetuity ; and the first stone of a future convent having been laid with the special solemnity observed on such occasions, he granted them full possession and seisin thereof The brethren in the hope and confidence engendered by the said gift, and trusting that the premises would be increased in time to come, have begun at their own cost, labour, and exertion, to rebuild divers poor little dwellings, with the assistance of certain

devout and faithful people, to the glory of God, the Blessed Virgin Mary, St Francis and All Saints, and to pray for ever for the health and prosperity of the entire kingdom. King Henry VII, bearing in mind Edw IVth's pious intention, the good disposition, devotion, expenses, and labours of the said brethren, by day and by night, in orisons, prayers, and fastings, and that chief and above everything else amongst works of mercy and piety is the canonical celebration of Divine service by priests and true vicars of God, and that it is a meritorious thing to support a ministry through whom the miserable souls of sinners purged from stains can receive calm and pardon, and the frail wanderers amongst sinful pleasures can be led back to the ways of grace¹

D ECCLESIASTICAL WEALTH

52

[“ Italian Relation,” p 40]

But that [the wealth] of the Lords spiritual is very superior,² for, besides their own lands, they possess the actual tenth of all the produce of the earth, and of every animal, and anyone living in his own house pays the tithe of everything to the Church, besides the third part of every inheritance, which has been mentioned

¹ Compare “ Greyfriars’ Chronicle ” (Camden Soc), pp. 25, 26 .
 “[1498] And this same yere in August was the second provincial chapter of the Freerminores in London [cf “ Milanese Cal ,” i, 362]. And there beganne the Observantes, and came with the kynges letters and commandment for sertayne placis, and so beganne with Newcastle, Cauntorbery, and Sowthamtone.” “[1502] And this yere the Gray freeres changed their abyttes into whytte gray apon sent Georges Day . from London rosette unto whytt gray ”

² To that of the Lords temporal.

before. Nor is the saying that is so common in this country without cause,—“that the priests are one of the three happy generations of the world”.

Although the Church of England is so rich, there are not more than two archbishops, Canterbury and York. In the province of the former, there are thirteen English and four Welsh bishops, in that of the latter only two. But the number of religious houses in England, both for men and women, is prodigious, and the greater proportion are of royal foundation. Nor can I omit to mention here, that in the diocese of Bath there are two convents, not above twelve miles distant from each other, the one for monks, named Glasberi (*Glastonbury*), and the other for nuns, named Santsberi (*Shaftesbury*), both of the order of St. Benedict. The abbot of the former has an annual income of more than 25,000 crowns, and the abbess of the other above 10,000, and the English say amongst themselves, that “the finest match that could be made in all England, would be between that abbot and the abbess !” However, there are few of the monastries of England that send to Rome for their bulls, nor are the deaneries, or canonries, or even the parochial livings, of which it is said that there are 52,000, in the gift of the crown. I, for my part, believe that the English priests would desire nothing better than what they have got, were it not that they are obliged to assist the crown in time of war, and also to keep many poor gentlemen, who are left beggars in consequence of the inheritance devolving to the eldest son. And if the bishops were to decline this expense, they would be considered infamous, nor do I believe that they would be safe in their own churches; which churches, although so rich, as I have already mentioned, are not in fine cities, for there are scarcely any towns of importance in the kingdom, excepting these two :

Bristol a seaport to the west, and Boraco (Eboracum) otherwise York, which is on the borders of Scotland; besides London to the south.

[*Ibid.* p 29] But above all are their riches displayed in the church treasures, for there is not a parish church in the kingdom so mean as not to possess crucifixes, candlesticks, censers, patens, and cups of silver, nor is there a convent of mendicant friars so poor, as not to have all these same articles in silver, besides many other ornaments worthy of a cathedral church in the same metal. Your Magnificence may therefore imagine what the decorations of those enormously rich Benedictine, Carthusian, and Cistercian monasteries must be. These are, indeed, more like baronial palaces than religious houses, as your Magnificence may have perceived at that of St Thomas of Canterbury. And I have been informed that amongst other things, many of these monasteries possess unicorn's horns, of an extraordinary size. I have also been told that they have some splendid tombs of English saints, such as St Oswald, St Edmund, and St Edward, all kings and martyrs.

I saw, one day, being with your Magnificence at Westminster, a place out of London, the tomb of the Saint King Edward the Confessor, in the church of the aforesaid place Westminster, and, indeed, neither St Martin of Tours, a church in France, which I have heard is one of the richest in existence, nor anything else that I have ever seen, can be put into any sort of comparison with it. But the magnificence of the tomb of St Thomas the Martyr, Archbishop of Canterbury is that which surpasses all belief. This, notwithstanding its great size, is entirely covered over with plates of pure gold; but the gold is scarcely visible from the variety of precious stones with which it is studded, such

assapphires, diamonds, rubies, balas-rubies, and emeralds ; and on every side that the eye turns, something more beautiful than the other appears. And these beauties of nature are enhanced by human skill, for the gold is carved and engraved in beautiful designs, both large and small, and agates, jaspers and cornelians set in relievo, some of the cameos being of such a size, that I do not dare to mention it. but everything is left far behind by a ruby, not larger than a man's thumb-nail, which is set to the right of the altar. The church is rather dark, and particularly so where the shrine is placed, and when we went to see it the sun was nearly gone down, and the weather was cloudy, yet I saw that ruby as well as if I had it in my hand ; they say that it was the gift of a king of France

E THE LIBERTIES OF THE CHURCH.

53

[“Italian Relation,” p 34]

There are three estates in England, the popular, the military, and the ecclesiastical. The people are held in little more esteem than if they were slaves. The military branch is employed in time of war in mustering troops. The clergy are they who have the supreme sway over the country, both in peace and war. Amongst other things, they have provided that a number of sacred places in the kingdom should serve for the refuge and escape of all delinquents ; and no one, were he a traitor to the crown, or had he practiced against the king's own person, can be taken out of these by force ¹. And a villain of this kind, who, for some great excess that he has committed, has been obliged to take

¹ See Nos. 45 (iii), 54 and 55.

refuge in one of these sacred places, often goes out of it to brawl in the public streets, and then, returning to it, escapes with impunity for every fresh offence he may have been guilty of. This is no detriment to the purses of the priests, nor to the other perpetual sanctuaries; but every church is a sanctuary for 40 days, and, if a thief or murderer who has taken refuge in one, cannot leave it in safety during those 40 days, he gives notice that he wishes to leave England. In which case, being stripped to the shirt by the chief magistrate of the place, and a crucifix placed in his hand, he is conducted along the road to the sea, where, if he finds a passage, he may go with a "God speed you." But if he should not find one, he walks into the sea up to the throat, and three times asks for a passage, and this is repeated till a ship appears, which comes for him, and so he departs in safety. It is not unamusing to hear, how the women and children lament over the misfortune of these exiles, asking "how they can live so destitute out of England"; adding moreover, that "they had better have died than go out of the world," as if England were the whole world!

In another way, also, the priests are the occasion of crimes, in that they have usurped a privilege that no thief or murderer who can read, should perish by the hands of justice, and, when anyone is condemned to death by the sentence of the twelve men of the robe, if the criminal can read, he asks to defend himself by the book, when a psalter, or missal, or some other ecclesiastical book, being brought to him, if he can read it he is liberated from the power of the law, and given as a clerk into the hands of a bishop. But notwithstanding all these evasions, people are taken up every day by dozens, like birds in a covey, and especially in London, yet, for all this, they never cease to rob and murder in the streets.

[“ Year Books,” 1 Henry VII, p 10 .]

6 February,
1486.

Mesme le jour la fuit le Abbe de Westminster ove [avec] son conseil & mra [monstra] par Docteur Coke ¹ les privileges de son lieu etc. Et en conclusion fuit advise per les Seigniors Spirituels & les Juges, que il ne fuit fait sagement de luy a faire ses Franches & Liberties estre argues, mes a voir le sauvgard de ses Franchises & Liberties & que ils soient bien & duement gardes Et oustre, que il ne ser[ai]t en contrary opinion, mes que ceux qui voient ces faux ou tort faisours, & decevours des gens per colour de les Liberties & Franchises, seraient Et tout ce fuit par cause de Statut fait Anno 50 Ed 3 & 7 R 2 de ceux qui fuyent en sanctuaries, & font dones de lour terres ou biens, & de ceo vivent en les Franches en fraude de lour creditors . car [’ = queux] Statuts le Roy avoit enlarge, si que execution serait fait, sibien des terres & tenements mis in feffement a lour use *bona fide*, comede ceux qui furent mis en feffement par collusion, etc.²

Et Opinio que il ira avant en fesance dele dit article en amendement des dits Statuts etc

55.

[“ An Acte agaynst fraudulent deeds of gift,” 3 Henry VII, c. 4,
“ Statutes of the Realm,” ii 513]

1487.

[Prayen the Comens in this present parliament assembled] that where oftymes deds of gifte of goods and

¹ See below, No 84.

² This and other items from the Year Books, are really reports of discussions in the King’s council in Parliament (called after Henry VIII’s reign the House of Lords). They are not merely consultations of the judges, because the lords spiritual take part, as in the above case. The phrase about the King “enlarging” statutes is of some interest, and the concluding “opinio” resulted in the following act.

catall be made, to thentent to defraude ther creditours¹⁴⁸⁷. of their duties, and that persone or persones that maketh the seid dede of gyfte goth to seyntwarie or other places privityledge, and occupieth and levith with the seid goodis and catalls, theire creditours beyng unpayed, That yt be ordyned enacted and establisshed by thassent of the lords spirituall and temperall in this present parlement assemblid and by auctorite of the same, that all deds of gyfte of goods and catalls, made or to be made of trust to thuse of that persone or persones that made the same dede of gyfte, be voide and of non effecte

56.

[“An Acte to take awaye the benefytt of clergie from certayne persones,” 4 Henry VII, c 13, ‘Statutes of the Reahn,’ 11 538]

Where as upon trust of privilege of the Churchē divers¹⁴⁸⁹ persones lettred hath ben the more bold to committe murdre rape robbery thefte and all othre myschevous dedys, because they have ben continually admitted to the benefice of the clergie as ofte as they did offend in any of the premisses In avoiding of such presumptuous boldnes, be it enacted ordeyned and stablisshed by thauctorite of this present parliament, that every person not being within orders, which onys hath ben admytted to the benefice of his clergie, eftsonys arrayned of eny suche offence, be not admitted to have the benefice or privilege of his clergie, And that every suche persone so convicted for murdre, to be marked with a M. upon the brawne of the lefte thumbe, and if he be for eny othre felony, the same person to be marked with a T in the same place of the thumbe, and theis markes to be made by the gaillour openly in the courte before the Juge, er that suche persone be delivered to the Ordinary.

1489. Provided alwey that if any persone at the second tyme of asking his clergie, bicause he is within orders, hath not than and there redy his lettres of his orders or a certificat of his Ordinary witnessing the same, that than the Justice afore whome he is so arayned shall gyve him a day by his discrecion to bring in his seid lettres or certificat, And if he fayle and bring not in at suche day his seid lettres nor certificat, than the same persone to lose the benefice of his clergie as he shall doo that is without orders

57

[“ An Acte to make some offences petty treason,” 12 Henry VII, c 7,
“ Statutes of the Realm,” ii. 639]

- 1497 Where abominable and wilfull purpensed murders be, by the Lawes of God and of naturall reason, forbeden and ar to be eschewed, yet nat the lesse many and divers unresonable and detestable persones lacking grace wilfully cominitte murdre, to the high displeasure of God and contrarie to all the Lawes abovesaid, and morover ayenst their naturall and obleged dutie wilfully commytte purpensed murdre, in sleying their maister or their immediat sovereign undir whome he or they be or owe obedience, in trust to eschewe the parell and execucion of the lawe by the benefite of their clergie; In hoope wherof, of late on James Grame late of London yoman wilfully assentid and purpensed the murdre of oon Richard Tracy gentilman, then his maister, by hym and his purpensed assent the ix day of February last past att Brentwode in the countie of Essex murdred and slayne, to the right perilous ensample of othre ill disposed, Wherefore, and in avoiding of like myscheves to ensewe, by the assent of the Lordes spirituall and temporall and the Comens in this present parlement assembled and by auctorite of the same, Be it enacted that

the seid James Grame, for the murder of the seid Richard 1497.
Tracy his late maister, be atteynted of the seid murdre as
a felon that hath offendid in pety treason; and that the
same James for the same murder shalbe drawn and
hanged, in suche maner and fourme as by the lawe of
this lande hath been used in suche cases as persones being
noo clerkis doying like murdre have or owe to be
punysshed, any privilege of his clergie nor his demaunde
of the same notwithstanding

Also be it ordeyned by the seid auctorite that if any
laie persone hereaftir purpensidly murder their lord
maister or sovereign immediate, that they hereaftir be
not admytted to their clergie, and aftir conviccion or
atteynder of any such persone, soe hereaftir offending,
had aftir the course of the lawe, that the same persone
be put in execucion as though he were noe clerk.

55

[An Act "annullyng of lettres patentes made to any spirituall
personne to be quytte for payments of dysmes¹ or for gaderyng
of the same," 4 Henry VII, c. 5, Caxton's "Statutes," 1489,
"Statutes of the Realm," ii 530]

Item the kynge our souereyn lord remembreth both 1489.
aswell his highnes as dyuers of his progenytours and
predecessours kynges of englonde haue made and
graunted upon feyned suggestyons to dyuers abbottes,
priours, gardeyns, maysters, or rulers of other spirituall
places and to their successours dyuers and mani lettres
patentes, some of theym to be quyt and discharged of
gadryng of dysmes, and some of theym to be quyt and
discharged of payment of dysmes, and some of them to
be quyt and discharged aswel of the gadring of dysmes

¹ "Dysmes" here means the tenths in "fifteenths and tenths"

1489. as of payment of dismes,¹ by the whiche eueri disme whan someuer it be graunted it is gretly mynysshed, and other places the more greuously charged wyth the gadring of the same, Remembreth also the grete charges that now ben in hande, and that the beryng therof must aswell be to the relefe of theym that hath suche lettres patentes as to other of his subgettes, hath therfore ordeyned and enacted by auctorite of the sayd parhamente that all the sayd lettres patentes as for the premysses ben voyde and of none effect by what someuer names thos persones to whom the lettres be made called or named

59.

[“ Letters and Papers of Henry VIII,” vol. xii pt 2, No 186 (38), from Lord Darcy’s Letter Book A petition to the king against the subjection of the North to the rule of the spiritual men, they formed the majority of the Duke of Richmond’s Council which since July, 1525, had been governing the North, hearing and determining causes between party and party On the outer sheet is the following note]

Mem how that the like commission that my lady the king’s grandam² had was tried and approved greatly to the king’s disadvantage in stopping of many the lawful processes and course of his laws at Westminster Hall, and also his subjects thereby sustened great losses, mischances, charges and vexations thereby, and none gains commonly by any such commission but the clerks which for their proper lucre doth upon every light surmise make out processes, etc.

¹ Cf the details about the collection of a clerical tenth in Yorkshire (Campbell’s “Materials,” ii 181-3) All Carthusians were exempt, all incomes under ten marks, and many churches and monasteries. The collectors of clerical taxes, too, were always clergy appointed by the bishops of the respective dioceses: cf *ibid* ii 424-9, where none but abbots and priors are appointed.

² Margaret Beaufort

60.

[Henry VII to the citizens of York, "York House Books," VII, f. 111.]

Trusty and welbeloved, We grete you well And ^{West-} where we understand to our grievous displeasure that ^{minster,} divers matiers of varyance and aggruges be lately fallen ^{10 Febru-} betwixt you on the oon partie and the Chapitre and other ministers the Cathedraill Church—ower that other partie, We late you witt that we have appointed our Right trusty and Right welbeloved cosin therle of Surrey and our full trusty Counsellor thabbot of our monastery of Sainte Mary besiddes York¹ our cite to examyn the said matters and to pacifie if they can the said aggruges or els to Remitt the determination of the same to us and our Council, And for that intent if case so Require, to appoint two or thre of you to apere bfore us in all possible haste, wherfore we charge you under the straitest wies to be conformable to such order and direction as you shall sett betwixt you in the premises and in the mean season to observe and duely kepe our pease in drieding our high displeasure and the grevous punisment

[*Ibid* f 111 b] 4 April, 9 Henry VII Agreed that the Maiour etc should meet in the Council Chamber at seven in the morning on Monday, dressed in violet and go to meet the Right potent and noble lord the erle of Surrey and the Reverend Father in God the Abbot of St Mary's

61

[Dispute over local jurisdiction; the abbot of Shrewsbury r the bailiffs of the same, Leadam's "Select Cases from the Court of Star Chamber," i 178-88]

A This is thaunswere off the Baiheffes off Shreuyes-^{1504.} bury to the Bill off thabbot off Shreuyesbury

¹ See vol. II, pp 121, 181.

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The seid bailieffes seyn that the Town off Shreuysbury is and tyme out off mynd hath ben an auncient Borough wherunto aswell our soueraign lord the king that now is as his noble progenitours haue graunted diuers liberties and Fraunches Wherffore they paie vnto the kinges highnes a yerely Ferme as apperett off Record in the kinges eschekker. Which borough is and be all the said tyme hath ben on off the keyes for the good ordre off the marches in those parties and now gretly in decay and soe dayly groweth and moche the more by reason off the Importable chargies and costes that the said Abbot putteth them vnto, whiche lyethe here within this Cite at his pleasure to hym lytell charge and cost, and therby eschewyth kepyng off hospitalite within the said monastery contrarie to the laudable ordre and rule that his predecessours there beffore tyme hath kepte, soe that by his vncharitable and vnleefull vexacions the Inhabitauntes of the seid borough be the more vnhabable to content the kinges said grace his seid Feeferme and at leyngthe enles his seid grace help and assist theym for the deffence off the same they shalnot be hable to bere the charities off the seid Town And for the declaracion off trouthe off there demcanynge concernyng the Articles comprised in the seid bill as to the furst article off the same they say that the seid bailieffes and commynyalite haue had a vew off Frankplege tyme out off mynd amonges other off all the Inhabitauntes dwellyng uppon the stanbruge in Shreuysbury forsaid whiche the seid Abbot pretendeth to be within his libertie and fraunches thet in dede is vntrew, And for not suyng to the said lete off certeyn off the same inhabitauntes aswell other gentilmens tenauntes as the tenauntes off the seid Abbot were amerced and for the same amercementes beffore the deluere off the seid priue seale distresses were takyn appreised and accompted

for accordingly as there off old tymes hath be vsed in 1504. such behalff, And moreover they seyen that they desired the seid Wilham Coll named in the seid bill to com and appere with the seid Now bailieffes according to the tenour off the said priue seale And for asmoche as at his last commyng and appering before your highnes and your most honourable counsail here at Westmynster by virtue off your priue seale and at the sute off the seid Abbot, the same William Coll was arrested enprisoned and compelled to paie to the seid Abbot the somme of xxxviij *l*z sterlinges, in contempt off your highnes and as yet not punyshed, to his ondoynge by reason wheroff he is soe enpoueryshed that he is not hable to com and appere at this tyme Alsoe they seyen that a waraunt off the peas was directed from the seid bailieffes beyng Justices off the peas within the seid town and Fraunches to attache the seid Thomas Boughton specified in the seid bill, Wheruppon on Edward Bent on off the seruautes at mase within the seid town and fraunches attached the seid Thomas Boughton by virtue off the seid waraunt within the libertie off the seid Town Alsoe they seyen that where the seid Abbot hathe off his extorcion takyn by his seruantes toll off pouer people commyng to the said town with wod and coole yet the same takyng off toll off wod and coole hath be vsed in the strete called foryate strete belonging to the seid Abbot and not on any part off Stanbruge within the libertie off the seid town And by cause the said Abbottes Fermour wold haue takyn toll wod off a certeyn person caryeng and brynging wod ouer the seid bruge toward the seid Town to be sold, the seid Fowke Spurstow and Edward Bent in peasible wise desired the seid Fermour to spare takyng off the seid wod on the seid bruge beyng within the libertie off the seid town. And alsoe the seid bailieffes

1504.

seyen that on Roger barbur on off the seriauntes at the mase within the seid town off his own mynd without commaundement or knowlage off said baiheffes attached John Stub named in the seid bill for suspeccion off Felony but whether he were attached within the place wheroff the Fraunches is in variaunce the said baiheffes know not Without that the seid baiheffes or any off there seriauntes or officers haue takyn any distresses within the liberties and Fraunches off the seid Abbot, And Without that the seid Fowke spurstow Edward Bent dauid Kyngesley and William duthek attached in Riotous maner or contrary to Any decre or commaundement to them given the said Thomas boughton. And Without that the baiheffes or Any there officers to there knowlage or by there commaundement attached the said John Stub for Any trespasses by hym commytted within the seid town or elles where or that they made watche to attache the seid John Stub in the place wheroff the fraunches is now in variaunce And without that the seid baiheffes or there officers have disobeyed or wrought contrary to the commaundement and articles conteyned in the seid priue seale, or that they haue Forfeted the peyn or somme conteyned in any priue seale to them or there predecessours at Any tyme directed And without that they haue disobeyed or Any thinge don or attempted to the preiudice hurt damage destruccion or vndoing off Any liberties off the seid monastery All whiche maters etc

B. This ys the Replicacion of Thabbot of Shrowesbury to the aunsware of the Bailys of the towne of Shrowesbury

The same abbott sayth that his sayd byll of complaynt is true yn euery poynt as he hath allegged and sayth that the aunsware of the same nowe baillyes is Fayned and of no trowth to thentent that they may prolonge the

tyme with theire vntrue surmyse and so to contynue^{1504.} yn there vnlauffull and riotuous demeanour agaynest the said libertiez and yn avoydyng and distruccion of the same and where it is allegged by the aunsware of the same Baillys to the disclander of the said abbott that the sayd Towne is by hym and by his meanes gretly ympoucresshed and decayd the said abbott sayth that the ympouerysshement and decay of the said Towne is by theire mysrule and yn defaute of good order and fer lak of due mynystracion of justice and not executyng the kynges writtes and his lettres of privey seall to the said Baillys directed there and not by the said abbott nor by his meanes and the said abbot sayth for the encrese of the said town he yerely bestoweth yn the same town for bredde drynks and vytail aboue the somme of cccc markes and sayth that he kepeth hospitalitie yn his said monastery yn as good and pleyntyous maner as hath byn used there yn tynes past and his absens from thense is to hym no pleasure nor comfort and is moche by the meane of the said baillyes and Commynaltie for they do to hym and his monastery so moch wrong that they dryve hym to personall suite but his nowe beyng yn the Citie is by summons of the kynges writt to appere here and attende upon the hiegh Court of parliament and ouer that the said abbott sayth that he and all his predecessours of his said monastery yn the Right of the same monastery haue vsed to haue thir vieue of Fraunkeplegge of all the inhabitauntes and resiauntes dwellyng upon the said Stanbrigge. Without that the said Baillys and Commynaltie and theire predecessours haue hadde the vieue of Fraunkeplegge of the inhabitauntes there yn maner and fourme as they haue allegged yn there said aunsware and Without that the said nowe Baillys haue appraiseid the distresses by theym taken specified yn the said byll and accompted for the

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same by any lafull autorite Or haue delyuered the said distresses by theym taken accordyng to the hiegh commaundement of the last privey seall and the said abbott sayth that the matter allegged in the said aunsware is no sufficient matter to excuse the said nowe Baillys for their non bryngyng of the said William Coll specified yn the said byll before this honourable consaill nowe present and Without that the said Edward Bent made the said attachment specified yn the said byll of the said Thomas Boughton specified in the same byll within the liberties of the said town and the said abbott sayth that he and all his predecessours and their Fermours from tyme of no mynde haue vsed to take of euery lowde of wode Toll wode and of euery lode of Coll toll Coll commyng opon the said Stanbrigge which is within the liberties of the said abbott and Without that the said abbott by his seruauntes haue taken any such Toll by extorcon yn maner and fourme as is allegged yn the said aunsware With that the said abbott wyll averre that the said Stanbrigge is parcell of the said Foryatt strete, which holl foryatt strete is within the liberties of the same abbot and Without that the said Baillys haue fulfilled any of the commaundementes yn the said last privey seall contayned but onely the bryngyng vpp of Richard Dycher. All which matters the said abbott is redy to averre as this honourable Court shall award.

C VIth February, anno XIX^{mo}.

Richard Dicher sworn saith to the first Interrogatorie that he knowith not by what warant the town claymeth the vew of frankpledge in and vppon the place comprised in that first Interrogatorie but if it be in the Town Chartour or other wretinges that be betwix the same Town and thabbotes that haue ben of the monasterie there, and whether ther be any warrant in those

wretinges and chartour this deponent knowith not as he 1504.
saith.

To the ij^d he saith he knowith not that the Town of Salop hath had the vew of Frankpledge in the place in that Interrogatorie specified in peace without Interrupcion of thabbot, nether the abbot in possession of his clayme without Interrupcion of the Town, for this xvj yere last past, and before that it was little hede takyn to such thinges as is in that Interrogatorie specified of both the town and thabbot, for noo strif was for it as farr as this deponent can remembre

To the iijth he saith he can not answeere for he knowith noon other autorite for the contentes of this Interrogatorie but onles this of the town chartour.

To the vth he saithe it charge the not him.

To the vith he saithe he herd neuer of that atachment vntill he come to London now

To the vijth he saith he is not remembered that thabbot or his fermour haue takyn any such toll in any place but within iij or v yere last past by which space thabbot & his fermours haue vsed to take Tolwode and Colle without Estgate first by Richard pynners hous now there dwelling which is within iij houses of the gate

Item he knowith noo thing of the contentes of that vijth or ix Interrogatories

To the xth he saith that many men be owners of the hous in debate, that is to say m^r Mitton, m^r Skryvener, Richard Wantners lyeing and [sic] the Town ij houses next to the said gate.

Item the last Interrogatorie this deponent confessith him to haue known to be true

To the ij^d Interrogatorie he saith that he hath no knowledge of the contentes therof nee he neuer knew that the balliffes of Salop euer kept any Court baron or

1504

otherwis in that place without estgate or in any other place that is now in debate betwix thabbot and the said bailiffes vpon vew of Frankpledge, for he neuer knew any court kepte by the said bailiffes but onlye the Town court of Salop in thaire hall

Thomas Wethyford, examyned vppon his answer to thabbottes of Salop new bill and certayn Interrogatories ministred by the same, saith that the bailiffes of Salop that haue ben as this deponent hath herd say haue takyn the vew of frankpledge in the place specified in that Interrogatorie, albe it he neuer herd that euer any court was kept in that place at any vew takyn there by the said bailiffes, but thaire courtes thay, where it hath ben enquerid of frays & blodsheds, haue vsed to kepe within the Town of Salop at thaire hall

To the ij^d he saith that he hath not known the said vew takyn ouer a vj yere now last past, but the court rolles of the Town shewith that amerciamentes haue be takyn of thinhabitauntes in the said place now in strif and in the first Interrogatorie specified by the said bailiffes for the time being

To the iij^d he saith that the Abbottes haue alwey made clayme but otherwis thay neuer interrupted the possession of the said bailiffes by perceyving of any amerciamentes or fines in that place now in debate

To the iiiith he saith that he knowith noone other autorite but onlye the vsage and costom that it hath be so vsed, so that the distresses be first praised

To the vth vith and viith it is ansuerd to the bill

To the viiith he saith that thabbottes ferner preassid to tak wode Toll within the franchises of the Town & where he ought noon take & courtouslie he was praid to forbere thasking of it there

The ixth is ansuerd To the xth he saith that he knowith not the contentes of that Interrogatorie.

To the last he saith as Richard dicher saith in his 1504. deposicion.

[*Indorsed* Thexamination of the bailiffes of Salop vpon Interrogatories ministred by thabbot.]

D. Termino Trinitatis viij^o die Julij Anno etc xxij^o
Dominus Cantuariensis Cancellarius Franciscus Rede
capitales Judices. Tremale Britnell capitalis baro
Scaccarii Kyngsmell Fysshier & Buttler, prior sancti
Johannis Jerusalem

Coram istis dominis & Judicibus predictis fuerunt¹⁵⁰⁸
deposiciones & dicta testium productorum tam ex parte
abbatis Salopiensis pro parte sua quam ex parte balliv-
orum burgensium ville Salopie predictae, perlegebantur-
que certe clausule diuersarum concessionum per diuersos
Reges Regis nunc progenitores dicto abbati, Et eciam
balliuis & burgensibus ville Salopie concessarum quibus
sic perlectis dominus cancellarius supradictus interro-
gavit Judices predictos seriose omnes & singulos tunc
personaliter presentes quomodo eis visum fuerit pro
possessione abbatis supradicti in premissis. Et finaliter
quid iuste statui debeat pro possessione predicta, qui
Judices omnes & singuli decreuerunt abbatem predictum,
nullis aliis pro dictis balliuis & eorum clameo ostensis
quam sunt ostense, possessione omnium de quibus con-
tenditur iuste gaudere debere & quod abbas & successores
sui deberent sic iuste continuare possessionem suam
sine interrupcione dictorum ballivorum & burgensium
quoquo modo fienda Super quo dictorum Judicum
adusamento dominus cancellarius & ceteri consilarii
tunc presentes decreuerunt & adiudicarunt quod dictus
abbas & conuentus gauderent de cetero possessione sua
in premissis sine Interrupcione ut supra Et eciam
decretum est quod omnes Iniuncciones & mandata huic
decreto derogatoria & preiudicialia ville Salopie dicto
abbati per priuatum sigillum aut aliter quamcunque facta

1508

& data sunt prorsus per decretum irritata vacua & nulla
& sic pro nullis de cetero de facto haberi

[*Indorsed* Decretum pro Abbate Salop]

F ECCLESIASTICAL ABUSES.

62

[Dudley's "Tree of the Commonwealth," pp 31-2]

What is the paringe of the fruite of good example to the Clergie, but the encrease of vertue and coninge? Of itself, it is right laudable, and the paringe right proper for good example. What shall yow of the clergie doe wth theis paringes? Is there anie folke haue nede thereof? I trowe neuer more nede, and soe greate nede that if you deuide not your paringes right hastehe, I feare me the encrease comeinge will fall in this realme. Looke well upon your two vniuersities, how famous they haue ben, and in what condicion they be nowe ¹ Where be your famous men that were wonte to reade Diuinitie in euery Cathedrall church, and in other greate monasteries? Where be the good and substanciall scollers of grammar that haue ben kepte in this realme before this tyme, not onlie in euery good towne and cittie, and in other places, but also in Abbies and Priories, in prelates houses, and oftentymes in the houses of men of honour of the temporalitie? Wherefore the greate prelates wth the help of other of the clergie, pare of theis paringes of thencease of vertue and connynge, and throwe them into your vniuersities in plenteous manner, soe that euery one of you in your dioceses doe this as well in your cathedrall church, as in Abbies and Priories, and in all other places convenient.

¹ The decay of the universities is usually attributed to the Reformation.

Favour your conynge clerkes and promote them wth your promocions and churches in the vniuersities and other places for such as be vertuous and conynge, make them your Archdeacons and Deanes, and giue them your Prebendaries. Let them haue care vnder you of the sicke soules, they knowe what meedysynnes be necessraie; and haue plentie of such about you, for theis gallantes should be your guard from daunger to defend you.

A perilous stroke that letteth thencrease of conynge is, when you dispose your benefices to such as are not clarkes, having little conynge and less vertue, but to such as will set their whole mynde, and can be good and profitable stewardes of houses and clarkes of your kitchns, and haue well the conynge of abrement [keeping or writing accounts] and castinge of accompts, or to such as wth good pollycy can survey your landes, and can well encrease your fynes and casualties, and will set themselves in your temporall courtes, and to such as can surelie and wiselye be your receiours of your rents and revenues, and rather then faile will boldhe distraine a poore mans cattle, and drive them to pounce till they sterve for hunger. This is a mischeeuous buffet to thencrease of conynge And yet otherwhiles you haue soe manie former promises to performe, and soe greate frendes to please, that your chief promocions goe that way And I will not beleeeve but you promote some of theis riche Diouers that lend you mony towards your bulles for your love, for their bondes will breake Theis paringes be they that cannot be called to thencrease of conynge nor of vertue, but the destruccion and decrease of them both When doe you throwe theis unhappie paringes in y^e vniuersities? When ye cause theis manner of Clarkes there to be graduate, not

by their learning, and that they maie weare furies in their hoodes, and be called masters in lesse then a yere learninge. They haue their conyng and learning both; and otherwhiles you send to the vniuersities, young schollers of tenne or twelue yeres of age, right nere of your blood, and they must highlie be promoted wth an Archdeconry or prebend ere he can say his mattens; he must goe in his grained cloathes lyned with silke, or furred wth the best, as though to that vniuersitie his conyng is but small, yet if he be furnished wth vertue he is not farre amysse. Howe be such simple paringes distributed abroad in your dioces, when such as can little are promoted to the greate cures; and because he must attend his service, he will set one under him that will serve for lesse wages. thes be perillous paringes to throwe amonge the poore people.

33.

[“An Acte for Busschoppes to punnysh priests and other religious men for dishonest lyffe,” 1 Henry VII, c. 4, “Statues of the Realm,” ii 500]

1485.

For the more sure and likely reformation of Priestis Clerkys and religious men culpable or by their demerites openly noised of incontinent lyvyng in their bodies contrarie to their ordre, Be it enacted ordeyned and establisshed by the Advyse and Assent of the Lordys spirituall and temperell and Comens in this present parliament assembled and by auctorite of the same, That it be lafull to all Archebisschops and Bisschops, and othre Ordinaries havyng episcopall iurisdiction to punnysshe and chastice such preestis clerkys and religious men beyng within the boundys of their iurisdiction, as shall be convicte afore theym, by examination and other lawfull proeff requisite by the lawe of the Church, of Avoutrie, fornicacion, incest

or eny other fleshely incontineny, by commyttyng¹⁴⁸⁶ theym to Warde and prisoun there to abide for such tyme as shalbe thought to their discrecions convenient for the qualite and quantite of their trespasses; And that noon of the seid Archebisshopps Bisshoppis or other Ordinariez aforeseid be therfore chargeable of to or uppon any accion of fals or wrongfull imprisonment but that they be utterly therof discharged in any of the cases aforeseid by virtue of this Acte.

64.

[Henry VII to the prioress of the Benedictine convent at Icklington [Ickleton] Cambridgeshire, Campbell's "Materials,"
1 284]

Dere in God, we late you wite that we havyn^{West-}
tendrelly in consideracioun how that owre welbeloved^{minster,}
in God, Dame Johane Bampton, forsaking this worldly^{8 February}
occupacioun entendyn^{1486.}g only to the service of God, hath taken upon here the lyf of religion of a nunne in Iklyngton, whereof ye be prioresse, and the said Dame Johane ful religiously in greet vertue hath abyden in quiete reste and cherisshing as we credibely enfourmed, unto now late that ye by diverse rigours, by cause she was not aplied to worldly occupacions, have punisshed here in diverse manere as we be also credible enfourmed. Wherefore we, considering the premisses, wolle therefore and pray you hertely, and also straitely charge you, that you favoure and cherisse the said Dame Johane after the contemplatif reule of religion and hire good conversacioun. Soo that neither she ner any of here frendes may have cause hereafter to complayne unto us, nor sue for socure and remedie in this partie. And that ye faille not hereof as ye wolle doo us plesu.

65.

[Archbishop Morton to the Bishop of London, communicating the decrees promulgated in the provincial synod concerning the life and habits of the clergy, Wilkins' "Concilia," iii 619]

Lambeth,
16 March,
1487

Johannes, permissione divina Cantuar. archiepiscopus, totius Angliæ primas, et apostolicæ sedis legatus, venerabili fratri nostro Thomæ, Dei gratia London. episcopo, salutem, et fraternam in Domino charitatem. Cum in præsentì convocatione prælatorum et cleri nostræ Cantuar provincie in ecclesia cathedrali sancti Pauli London. celebrat. pie et salubriter consideratum fuit, quod nonnulli sacerdotes et alii clerici ejusdem nostræ provincie, in sacris ordinibus constituti, honestatem clericalem in tantum abjecerint, ac in coma tonsuraque et superindumentis suis, quæ in anteriori sui parte totaliter aperta existere dignoscuntur, sic sint dissoluti, et adeo insolescant, quod inter eos et alios laicos et seculares viros nulla vel modica comæ, vel habituum, sive vestimentorum distinctio esse videatur, quo fiet in brevi, ut a multis verisimiliter formidatur, quod sicut populus ita et sacerdos erit, et nisi celeriori remedio tantæ lasciviæ ecclesiasticarum personarum quantocyus obviamus, et clericorum mores corruptos hujusmodi digna acrimonia maturus compescamus, ecclesia Anglicana, nostræ saltem provincie Cantuar antedictæ, quæ superioribus diebus vita, fama, et compositis moribus floruisse dignoscitur, nostris temporibus ad magnæ desolationis opprobrium, quod, Deus avertat, præcipitanter ruet Volentes igitur, quantum cum Domino possumus, tantis morbis congruas medelas apponere, ne sanguis nostrorum subditorum, et taliter delinquentium, imo verius periclitantium, in extremi judicis examine de nostris manibus requiratur, auctoritate nostra archiepiscopali atque metropolitana, ex unanimi

consensu et assensu venerabilium fratrum episcoporum, ^{March,} suffraganeorum nostrorum, et aliorum praelatorum, et ¹⁴⁸⁷ totius cleri dictæ nostræ provinciæ, in ipsa provinciali sacra synodo congregatorum, statuimus et ordinamus, ne aliquis sacerdos, vel clericus, in sacris ordinibus constitutus, infra provinciam nostram Cant antedictam beneficiatus, vel ad beneficium ecclesiasticum inibi promotus, togam gerat nisi clausam a parte anteriori, et non totaliter apertam, et ne quis presbyter, cui id ratione sui gradus in aliqua universitate accepti non competit (filius dominorum ac viris in aliqua dignitate ecclesiastica constitutis, vel alias notabiliter beneficiatis duntaxat exceptis), caputium penulatum vel non penulatum,¹ aut duplicatum cum serico, seu simplex cum corneto² vel liripio³ brevi, gerat, vel chameleto⁴ circa collum suum publice, sed utatur quilibet talis presbyter, nullatenus graduatus, caputio cum liripio longo, suo ordini conveniente. Neque utatur ense, vel sica, nec zona, aut marcipio deaurato, vel auri ornatum habente. Incedent etiam omnes et singuli presbyteri et clerici ejusdem nostræ provinciæ, coronas et tonsuras gerentes, aures patentes ostendendo, juxta canonicas sanctiones, quas in quoscunque presbyteros et clericos hujusmodi, contra præmissa vel aliquod præmissorum, post mensem a die publicationis eorundem continue numerandum, venire præsumentes, per locorum ordinarios debitæ executioni demandari volumus. Adhæc insuper de consensu fratrum nostrorum praelatorumque et cleri hujusmodi, hoc provinciali statuto illud addendum fore decernimus, ut si canonicæ sanctiones ad refranandum presbyteros et

¹ A graduate's hood with or without a lining or covering

² A "cornet" is said to have been a scarf worn by doctors of law and divinity. Compare Dudley's remarks on p. 212

³ The "liripio" was the long tail of a graduate's hood

⁴ See N E D s v 'camlet'.

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1487.

clericos hujusmodi a dictis abusionibus minime sufferint, ipsos omnes et singulos eorundem canonum transgressores et violatores, qui comam nutrire, tonsuram abjicere, vel contra aliquam præmissarum venire præsumpserint, per venerabiles fratres nostros episcopos, archidiaconos, et eorum inferiores moneri volumus primo, secundo, et tertio, atque peremptorie quod infra unius alterius mensis spatium continue numerandum a die monitionis suæ hujusmodi, in certo loco, per ipsos ordinarios et eorum inferiores prædictos se effectualiter reformatos eis exhibeant beneficiati, sub pœna sequestrationis fructuum beneficiorum suorum; non beneficiati vero sub pœne suspensionis ab officio. Quas pœnas contra transgressores hujusmodi, si vel in termino eis assignato comparere contempserint, vel comparentes se reformatos esse juxta monitionem eis factam nullatenus exhibuerint, cum omni juris effectum exequendas fore omnino decernimus, donec resipiscant. Et quia frequenter contingit, quod, pastore gregis sibi crediti custodiam neghgente, et absentante, lupo rapit et dispergit oves; ut diligentia pastoris præsentis et noctis vigilas custodientis a lupinis morsibus illæsæ servarentur, hac constitutione provinciali de consilio fratrum nostrorum prælatorumque et cleri antedicti nostræ provinciæ statuendum esse duximus, quod omnes et singuli rectores, vicarii, et alii, quocunque nomine censeantur, ecclesiarum curati seu beneficiati ejusdem provinciæ nostræ, residentiam in ecclesiis et beneficiis suis hujusmodi, cessante canonico impedimento, vel alia legitima causa absente, faciant corporalem, ac suos parochianos informant, verbo et exemplo, ad bene vivendum et sese protegendum a lupo rapaci diabolo. Et ut eisdem indigentibus subvenire valeant temporali subsidio, et, si quos repererint ordinari locorum, contrarium facientes, diligentiam et sollicitudinem suas adhibeant, secundum ca-

nonicas sanctiones ad vocandum eosdem suas residentias, ^{March, 1487.} ut præmittitur, facturos. Quod si beneficiati hujusmodi, sic ad residendum vocati, dispensationem super pluralitate ad duo beneficia ipsis ordinariis vocantibus exhibuerint, curent idem ordinarii, ut in suis hujusmodi beneficiis residentiam vicissim facient. Verum, si dicti beneficiati ad residendum vocati, dispensationem specialem sedis apostolicæ de non residendo eisdem demonstraverunt, in hoc vigeat ordinariorum sollicitudo ad diligenter examinandum vires dispensationis hujusmodi, ut *attenta* suggestione, et aliis in ea parte pensandis, intueri valeant, utrum preces veritati nitantur, an ut mendax precator carere debeat impetrato. Et si, diligenti facta inquisitione, preces hujusmodi veritati niti deprehenderint, curent tamen locorum ordinarii, quod pastores illi ad non residendum licentiati, idoneos subrogent mercenarios, qui curis eorundem, ipsis se absentantibus, sufficienter in divinis deservire valeant. Et in casu, quo aliqui beneficiati prædicti, vel sua sponte residentes, vel ad residendum in et super beneficiis suis hujusmodi vocati, suam residentiam debite et cum effectu fecerint in eisdem, venerabiles fratres nostros episcopos atque suffraganeos provinciæ nostræ Cant sæpèdictæ hortamur in Domino, uno rogamus et requirimus, quatenus eisdem taliter residentibus efficacis defensionis præsidio sic studeant assistere, quod per laicorum potentiam vel aliquorum malitiam in vicinio vel alibi commorantium, fructibus beneficiorum suorum, cum quibus honeste vivere, ac se et suos sustentare, et onera eis incumbentia sustinere debeant, carere nullatenus compellantur. vestræ igitur fraternitati tenore præsentium committimus et mandamus, quatenus omnibus et singulis ecclesiæ nostræ Cantuar suffraganeis, infra dictam nostram provinciam constitutis, ac absentium episcoporum, si qui sint, vicariis in spiritualibus generalibus,

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ac vicariis nostris in spiritualibus generalibus, in civitate et diocesi Winton. sede episcopali ibidem vacante, literis vestris patentibus, harum seriem continentibus, injungatis, quatenus eorum singuli præmissa omnia et singula in dictis literis nostris contenta, ac eorum consensu statuta et ordinata, quatenus personas ecclesiasticas suarum civitatum et diocesium concernant, per se et inferiores suos debite executioni demandare studeant diligenter cum effectu Vosque pari forma ea in civitate et diocesi vestris debite exequi non omittatis

66

[Bull of Innocent VIII for the reformation of monasteries and exempt houses, Wilkins' "Concilia," iii 630]

St Peter's,
Rome,
6 March,
1490

Innocentius episcopus, servus servorum Dei, venerabili fratri archiepiscopo Cantuar salutem et apostolicam benedictionem. Quanta in Dei ecclesia ad salutem animarum Christi fidelium personæ religiosæ vita exemplari, et honestis operibus afferant incrementa in tutum, tanta eisdem inferunt detrimenta salutis, si a recto tramite deviantes, per incontinentiam et vitam laxiorem ad illicita dilabuntur; quo fit ut diligens et curiosum reformationis ministerium in talibus opportunum esse noscatur, ne per vitiorum atque excessuum tolerantiam, hostis antiqui operante versutia, majores errores et scandala cum inemendabili jactura exinde valeant verisimiliter exoriri. Nuper siquidem ad audientiam nostram, non sine magna animi nostri displicentia et mentis amaritudine, nonnullorum fide dignorum relatione pervenit, quod, licet retroactis temporibus nonnulla monasteria et alia religiosa loca Cluniacensia Cisterciensia et Præmonstratensia ac aliorum ordinum diversorum regno Angliæ, per claræ memoriæ dicti regni reges, qui pro tempore fuerunt, aliosque nobiles et incolas regni

prædicti, ex eorum pia ad dictos ordines devotione, de ^{March, 1490} propriis eorum bonis, ut in illis vigeret vera religio, et nomen Altissimi, ad cuius gloriam et honorem instituta fuerant, debite laudaretur, fundata et dotata fuerint, ac post hujuscemodi foundationes in aliquibus eorum a monachis, cæterisque religiosis in illis degentibus observantia fuerit aliquandiu servata, tamen a nonnullis temporibus citra, a dilectis filiis abbatibus ac monachis, cæterisque religiosis monasteriorum et locorum ordinum prædictorum, in tuis civitate et diœcesi ac provincia Cantuarien consistentium, paulatim vivendi modum et normam relaxantibus, ac suavi contemplationis jugo seposito, in eis regularis observantia tepuit, et non modo pristina vivendi norma relicta fuit, sed etiam, quod dolenter referimus, in quibusdam ex eis illorum personæ se in reprobum sensum dantes, Dei timore postposito, vitam lascivam ducunt, et nimium dissolutam, in animarum suarum perniciem, divinæ majestatis offensam, religionis opprobrium malumque exemplum et scandalum plurimorum, unde correctionis et reformationis officio plurimum indigere noscuntur nos igitur, quibus ex curæ pastoralis officio incumbit prava destruere, et honesta plantare, ac totis viribus prospicere, ne per defectum severitatis opportunæ scandala concitentur, ad reformationem monasteriorum et locorum prædictorum, instante etiam super hoc charissimo in Christo filio nostro Henrico septimo, moderno ejusdem regni rege illustri, paternis et sollicitis studiis intendentes, ac sperantes ea, quæ tibi in hac parte duxerimus committenda, fideliter et prudenter ac secundum Deum et conscientiam, per te, vel alias idoneas et fideles personas exequeris, fraternitati tuæ per apostolica scripta committimus et mandamus, quatenus omnes et singulos superiores monasteriorum et locorum prædictorum, in tuis civitate et diœcesi et provincia præfatis consistentium, videlicet generales, aut præ-

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1490

sidentes, vel patres, abbates, ubicunque consistentes, ut infra certum competentem terminum per te eis præsigendum, monasteria et loca prædicta visitare, seu per alios dictorum ordinum religiosos ad id idoneos et Deum timentes visitari facere, et tam in capitibus, quam in membris ac spiritualibus et temporalibus reformare, et ad veram normam et regulam ordinum prædictorum, juxta illorum laudabilia ordinationes et instituta, omni exceptione et dilatione cessantibus, reducere ubi vero superiores non fuerint, abbates, priores, et alios prælatos monasteriorum et locorum prædictorum, ut infra dictum terminum circa hujusmodi reformationem cum effectu intendere, seque ipsos reformare, et alia præmissa facere omnino debeant, atque procurent auctoritate nostra moneas eisque mandes, quod si facere contempserint, quod non credimus, tu ad omnia et singula monasteria, et loca religiosa prædicta in civitate et diocesi ac provincia tuis præfatis constituta, personaliter accedens, et solum Deum præ oculis habens, illa et eorum singula tam in capitibus, quam membris, ac spiritualibus et temporalibus, totiens quotiens tibi opportunum visum fuerit, eadem auctoritate visites, aut alius occupatus, per alios idoneos, quos ad id duxeris eligendos, visitari facias, ac omnia et singula, quæ in illis tam in capitibus, quam membris ac spiritualibus et temporalibus eisdem reformationis et correctionis ministerio indigere reperir-entur, prout tibi et a te deputandis secundum Deum, et canonicas sanctiones, ac regularia dictorum ordinum instituta expedire videbitur, reformare, corrigere, et emendare dicta auctoritate procures Nos enim, ut per dictam reformationem tuam seu deputatorum tuorum præfata monasteria et loca, excussis quæ illorum offuscabant decentiam, in melius reformari valeant, ac in eisdem divinus cultus et observantia regularis more pristino valeant, vigeant, et suscipiant incrementum, ac

personæ in illis degentes merito religiosæ et Deo servi-
entes dici possint; tibi omnia et singula monasteria et ^{March, 1490}
loca prædicta, eorumque præsidentes ac personas, tam
exemptas quam non exemptas, per te, vel alios, ut supra,
visitandi, illaque tam in capitibus, quam in membris ac
spiritualibus et temporalibus reformandi, ac de statu
monasteriorum et locorum eorundem, vita quoque et
morbis abbatum, priorum, prælatorum, necnon mon-
achorum prædictorum studiose inquirendi, illosque, qui
ex eis criminosi et desidiosi reperti fuerint, juxta regul-
aria instituta suorum ordinum ac excessuum qualitatem,
et exigentiam, poenis debitis absque judiciorum strepitu,
castigandi, puniendi, corrigendi, et etiam, si opus fuerit,
ab eorum monasteriis et abbatialibus dignitatibus, priora-
tibus, beneficiis, administrationibus, et officiis, si eorum
demerita exegerint, suspendendi, privandi, et ab illis
realiter et cum effectu amovendi, necnon monasteria et
loca prædicta ad observantiam seu vivendi modum
juxta statuta ordinis, de quibus tibi videbitur, reducendi,
eisque dictam normam sive regulam et modum vivendi,
dandi, et exhibendi, ac alias personas regularem vitam
ducere volentes in monasteria et loca prædicta intro-
ducendi, incorrigibiles vero tanquam membra putrida a
corpore congregationis, servato debito disciplinæ re-
gularis, rescindendi, et a monasteriis et locis prædictis
expellendi, ac omnia et singula, quæ juxta instituta et con-
stitutiones summorum pontificum et decreta sanctorum
patrum ad honorem Dei, religionis augmentum, ani-
marum salutem, et exemplum Christi fidelium, ac alias
circa felicem gubernationem et regimen monasteriorum,
locorum, et personarum eorundem necessaria seu
quomodolibet opportuna videbuntur, gerendi, statuendi,
faciendi, disponendi, et exequendi, ac contradictores
quoslibet et rebelles, cujuscunque dignitatis, status,
gradus, præeminentiæ, nobilitatis, vel conditionis fuerint,

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per excommunicationis, suspensionis, et interdicti, aliasque formidabiliores, de quibus tibi seu deputatis prædictis videbitur expediens, sententias, censuras, et poenas cum censurarum et poenarum prædictarum aggravatione et reaggravatione, quavis appellatione postposita, compescendi, et, si opus fuerit, brachium seculare invocandi, super quibus omnibus tuam et deputatorum prædictorum conscientiam oneramus, plenam, liberam, et omnimodam, auctoritate apostolica, et ex nostra certa scientia, tenore præsentium concedimus facultatem, non obstantibus apostolicis ac bonæ memoriæ Octonis et Octoboni, olim in dicto regno apostolicæ sedis legatorum, necnon provincialibus et synodalibus conciliis editis, generalibus vel specialibus, constitutionibus, et ordinationibus statutis quoque et consuetudinibus monasteriorum, et locorum prædictorum, juramento et confirmatione apostolica, vel quavis firmitate alia roboratis, contrariis quibuscunque Aut si abbatibus, prioribus, et personis præfatis, vel quibusvis aliis communiter vel divisim ab eadem sit sede indultum, quod aliquos contra et præter eis concessa privilegia et indulta ad se visitandum, vel alias admittere minime teneantur, et ad id compelli, ipsosque ad iudicium trahi, suspendi, vel excommunicari, aut ipsi seu monasteria vel loca hujusmodi interdicti, seu suis dignitatibus, beneficiis, officiis, et administrationibus privari non possint, per literas apostolicas, non facientes plenam et expressam, ac de verbo ad verbum de indulto hujusmodi mentionem; et quibuscumque aliis privilegiis, indulgentiis, exemptionibus, immunitatibus, et literis apostolicis, ipsis et eorum monasteriis, locis et ordinibus in genere vel in specie concessis, quorumcunque tenorum existant, per quæ præsentibus non expressa vel totaliter non inserta, nostræ jurisdictionis explicatio in hac parte impediri valeat quomodolibet vel differri, et de quibus quorum-

que totis tenoribus habenda sit in nostris literis mentis ^{March,} specialis, quæ quoad hoc eis nolumus ullatenus suffragari. ^{1490.}
 Verum quia difficile foret præsentēs literas ad singula quæque loca, ad quæ expediens foret, deferre, volumus et dicta auctoritate decernimus, quod illarum transumptis, manu alicujus publici notari inde rogati subscriptis, ac sigillo tuo vel alicujus alterius personæ in ecclesiastica dignitate constitutæ, munitis, ea prorsus fides in judicio et extra et alias ubilibet adhibeatur, quæ præsentibus adhiberetur, si essent exhibitæ vel ostensæ. Dat Romæ apud sanctum Petrum anno Incarnationis dominicæ M cccc. lxxxix pridie nonas Martii, pontificatus nostri anno sexto

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[Archbishop Morton's monition to the abbot of St Albans, Wilkins' "Concilia," in 632 The abbot appealed to Rome against Morton, but the Pope while upholding the exemptions of the abbey, gave Morton further and special powers to proceed The result is not known, one side deduces therefrom the conclusion that the scandalous charges contained in Morton's letter were ill-founded, and the other that no reformation was to be expected in an unreformed church The safest deduction is that Abbot Wallingford's death sometime before 1492 anticipated a verdict, see "English Historical Review," xxiv 91, 319]

Johannes, permissione divina Cantuariensis archiepiscopus, totius Angliæ primas, et apostolicæ sedis legatus, ^{Lambeth,} visitator, inquisitor, reformatore, ac iudex, a sede apostolica sub forma inferius annotata sufficienter et legitime deputatus, Willhelmo, abbati monasterii sancti Albani, ^{5 July,} ad Romanam ecclesiam, ut dicitur, nullo medio pertinentis, ordinis sancti Benedicti Lincolniensis dioceseos, salutem. Literas commissionis sanctissimi in Christo patris et domini nostri, domini Innocentii, divina pro- ¹⁴⁹⁰

July, 1490. videntia papæ octavi, sub plumbo, more Romanæ curiæ bullatas, nuper nobis directas, cum ea, qua decuit, reverentia recepimus, tenorem, qui sequitur, in se continentes: Innocentius episcopus, servus servorum Dei, etc [ut supra scribitur in bulla præscripta.] Nos vero Johannes, archiepiscopus, visitator, reformator, inquisitor, et judex antedictus, ob reverentiam sedis apostolicæ, onus executionis dictæ commissionis in nos assumpsimus, ac juxta et secundum omnem vim, formam, et effectum ejusdem procedendum fore decrevimus. Et quia fama publica referente, et multorum crebris fide dignorum relationibus ad nostrum pervenit auditum, quod tu abbas antedictus a diu fuisti, et es de et super simonia, usura, bonorum, rerum, et possessionum dicti monasterii dilapidatione et consumptione, nonnullisque aliis enormibus criminibus et excessibus infrascriptis notatus, diffamatus, ac in regimine curaque et administratione bonorum spiritualium et temporalium dicti monasterii adeo remissus, negligens, et prodigus, quod in dicto monasterio sancti Albani, quod ex pia devotione celebris memoriæ illustrissimorum principum, olim regum Angliæ, serenissimi domini nostri regis moderni nobilissimorum progenitorum, ut ibi vera vigeret religio, et nomen Altissimi, ad cujus gloriam et honorem institutum fuerat, debite laudaretur, fundatum et dotatum extitit, et ubi superioribus diebus regularis observantia in magna habebatur veneratione, hospitalitasque diligentissime servabatur; non modico tamen tempore, quo tu eidem monasterio præfui, te, ac nonnullis ex commonachis et confratribus tuis ibidem, quorum sanguis tuam, ut timetur, ob negligentiam per districtum judicem de manu tua requiretur, religiose vivendi modum et normam relaxantibus, ac seposito suavi contemplationis jugo, regularis observantia, hospitalitas, elemosynæ, aliaque pietatis officia ab olim inibi exerceri et

ministrari solita, decreverunt, et tuis culpa, incuria, July, 1490. negligentia, et facto indies magis atque magis decrescunt et subtrahuntur; per quod etiam pia fundatorum vota defraudantur, pristinaque vivendi norma relicta, non pauci ex dictis commonachis et confratribus tuis, unde non mediocriter dolendum est, se in reprobum sensum dantes, Dei timore postposito, lascivam vitam duntaxat ducunt, et quod dictu horrendum est, persæpe loca sacra, etiam ipsa Dei templa, monialium stupro, et sanguine et feminis profanare non verentur, tuque inter alia gravia, enormia, et facinorosa crimina, super quibus reus extitisti, et exstas notatus atque diffamatus, quandam mulierem conjugatam, nuncupatam Elenam Germyn, quæ dudum a viro suo perperam divertebat, et alii viro tempore non modico in adulterinis adhæsit amplexibus, in sororem et monialem domus sive prioratus de Pray, tuæ jurisdictionis, ut prætendis, primitus admisisti, ipsamque de post priorissam præfecisti ibidem, eo non obstante, quod dictus vir suus tunc vixit, et adhuc vivit; ac dominus Thomas Sudbury, commonachus tuus, ad eam, tanquam moechus ad moecham, in domo sive prioratu de Pray prædicto, quasi publice, notorie, et impune a diu accessit, et accedit, prout nonnulli alii ex tuis confratribus et commonachis ad eam et alias ibidem et alibi, tanquam ad publica prostibula sive lupanaria, accessum continuum impune habuerunt, et habent: quodque non tantum in ipsa domo de Pray, verum etiam in domo monialium de Sapwell, quam insuper tuæ jurisdictionis esse contendis, priorissas et præsidentes pro tuæ libito voluntatis totiens immutas, dumque bonas et religiosas mulieres in utroque loco deponis, ac malas et nonnunquam vitiatas assumis ibidem ad culmen dignitatis; abjicitur religio, virtus negligitur, et tot expensæ fiunt supervacuæ, quod ex præmissis aliisque factis enormibus et damnatis per quosdam confratres tuos, quos

July, 1490. in locis hujuscemodi præesse, regere, et sub nomine custodum, cum tales non sint, imo fures, et notorie criminosi, bona eorundem prioratuum dispensare, quin verius dissipare, et consumere fecisti et deputasti, loca illa olim satis religiosa, modo quasi profana et infamia redduntur et reputantur; tuisque et tuorum factis hujuscemodi adeo depauperantur, quod ad nihilum pene redacta videntur. Et similiter fecisti in nonnullis aliis monachorum cellis, quas dicis tibi subijci in monasterio etiam ipso gloriosi protomartyris Albani, dudum celebri, bona communia, res et jocalia dilapidasti, ac nemora, sylvas, boscum, et subboscum ejusdem, necnon quasi omnes quercus et alias grossas arbores ad valorem octo millium marcarum, et ultra, sine differentia prosterni et vendi fecisti, et alienasti, ac confratres et commonachi tui, quorum quidam ad omnia mala mundi, ut dicitur, sunt dediti, dum cultu divino quasi penitus neglecto, isti scorta et meretrices infra monasterii septa et extra, quasi publice et continue sibi prostituunt, alii promotionis et honoris ambitiosi, ut tuæ cupidini pro honoribus et promotionibus hujuscemodi quanquam simoniacæ et damnabiliter obtinendis et adipiscendis satisficiant, calices, et alia jocalia ecclesiæ, etiam quandoque feretra sancti Albani infixæ ausu sacrilego effodiunt et furantur, quos tu potius scienter defendis, quam aut punis aut offendis, et si qui ex tuis commonachis boni sint, et religiose vivant, ac virtute et consilio polleant, illos protinus deprimis et odio habere soles; sicque capite languente cætera putrida et infecta membra adeo insolescunt et abundant vitis quasi manifestis, quod fama celebris illius monasterii pervertitur in infamiam, ac sancta religio ibidem ferme perit internus, et res exteriores, tam mobiles quam immobiles, notorie tendunt in desolationem, in divinæ majestatis offensam, religionis opprobrium, malumque exemplum, et scandalum

plurimorum ; unde correctionis et reformationis officio July, 1490.
 plurimum indigere dignosceris, prout sic indiget dictum
 monasterium, ac multi ex tuis commonachis et confratri-
 bus degentibus in eodem , pro quibus omnibus reforman-
 dis novis clamoribus indies pulsamur, et solliciti efficimur
 Volentes igitur dicto sanctissimo domino nostro papæ,
 prout nobis incumbit, humiliter obedire, et suum man-
 datum apostolicum nobis in hac parte directum adim-
 plere, te Wilhelmum, abbatem prædictum, quem jam
 paulo ante ejusdem sanctissimi domini nostri papæ
 auctoritate et mandato, ut nonnulla præmissorum
 enormia reformare debuisses, personaliter et charitative
 monuimus ; ea tamen reformare hactenus distulisti, et
 neglexisti, eadem auctoritate nobis in hac parte commissa
 juxta et secundum omnem vim, formam, et effectum
 literarum præinsertarum peremptorie monemus, tibi que
 mandamus, quatenus teipsum ac commonachos et con-
 fratres tuos infra septa dicti monasterii degentes, necnon
 de Pray et Sapwell prioratum priorissas, custodes et
 moniales infra triginta, alios vero priores, monachos, et
 confratres tuos in locis prioratibus, et cellis remotioribus,
 tibi subjectis degentes, infra sexaginta dierum spatium,
 post traditionem præsentium tibi, si liber ad te patuerit
 accessus, aut post earundem affixionem in valvis ecclesiæ
 conventualis dicti monasterii, seu notificationem alias
 tibi legitime factam super præmissis omnibus et singulis,
 cum effectu corrigas et reformes, necnon ad veram
 normam et regulam ordinis tui juxta illius laudabilia
 ordinationes et instituta, omni exceptione et dilatione
 cessantibus reducas, seu reduci facias, necnon ab aliena-
 tione et distractione rerum et locorum monasterii ante-
 dicti, præsertim boscorum, arborum, et nemorum
 venditione de caetero omnino desistas, et abstineas.
 Quodsi præmissa infra dictum terminum juxta nostrum,
 imo verius apostolicæ sedis, mandatum facere contemp-

July. 1490. *seris, nos secundum vim, tenorem, et effectum literarum apostolicarum prædictarum, ac secundum nobis traditam formam in eisdem procedere volumus, et post lapsum dictorum triginta dierum, ad sæpedictum monasterium personaliter accedere, ipsumque, dante Domino, actualiter visitare intendimus; vel si nos alias tunc occupari contigerit, per alios, quos ad id duxerimus eligendos, visitari faciemus; ac omnia et singula, quæ ibidem tam in capite, quam in membris, ac spiritualibus et temporalibus reformationis et correctionis ministerio indigere reperientur, prout nobis, sive per nos deputandis, secundum Deum et canonicas sanctiones, atque regularia dicti ordinis instituta expedire videbitur, reformare, corrigere, et emendare, auctoritate apostolica nobis commissa, procurabimus, ulteriusque, si res exegerit, procedere ibidem intendimus, etiam ad maiora et graviora facienda et exequenda, quæ in præfatis literis apostolicis nobis directis plenius describuntur, et per easdem nobis commissa fuit. Ut que tua obedientia vel contemptus nobis in hac parte constare et innotescere possit, quid in præmissis feceris, ac quibus modo, et forma juxta mandatum nostrum, quin verius apostolicum, tuam personam ac personas et mores confratrum et commonachorum tuorum, necnon de Pray et Sapwell prioratuum, ac aliorum tibi subjacentium interim reformare, easque ad veram normam et regulam ordinis tui juxta illius laudabilia ordinationes et instituta reducere, reducere facere, curaveris, et studueris, seu qualiter alias te habueris, nos in fine dictorum triginta, quatenus monasterium sancti Albani præscripti, ac de Pray et Sapwell domos, sive prioratus, necnon tuam personam et cæteras quascunque tam in eodem monasterio sancti Albani, quam in dictis domibus, sive prioratibus de Pray et Sapwell degentes concernit, quatenus vero alia loca remotiora, sive cellas tibi subjecta, et personas*

degentes in eisdem concernit, sexaginta dierum distincte July, 1490. et aperte, ac debite et cum effectu certifies per tuas literas patentes, harum seriem continentes, una cum præsentibus auctentice sigillatas. Et ulterius decernimus, quia difficile foret præfatas literas apostolicas, more Romanæ curiæ bullatas, quas sanas et integras, ac omni sinistra suspicione carentes vidimus et inspeximus, ad singula quæque loca, ad quæ expediens foret, deferre, quod præsentī transumpto literarum apostolicarum hujuscemodī manu notari publici inferius annotati subscripto, et signato, et nostri sigilli appensione munito, eadem fides ubilibet adhibeatur, quæ dictis literis apostolicis adhiberetur, si essent exhibitæ vel ostensæ. In quorum omnium et singulorum præmissorum fidem et testimonium præsentēs literas sive præsens publicum transumpti instrumentum signo et subscriptione notari publici subscripti, una cum nostri sigilli appensione jussimus et fecimus communiri. Acta sunt hæc omnia et singula, prout supra scripta scribuntur et recitantur in quadam alta camera præfati reverendissimi in Christo patris et domini, domini Johannis, Dei gratia Cantuariensis archiepiscopi, infra manerium suum de Lamehith, Winton dioceseos, situatum, anno Domi Mcccc xc indictione octava, pontificatus præfati sanctissimi in Christo patris et domini nostri, domini Innocenti, divina providentia papæ octavi antescripti, anno sexto, mensis vero Julii die quinta, præsentibus tunc ibidem venerabilibus viris magistris Thoma Maddes, in sacra theologia bacalario, et Johanne Rompayne, capellano Norwicensis ac Bathoniensis Wellensis dioec. et testibus ad præmissa vocatis specialiter et rogatis

[Kingsford's "Chronicles," p 199]

16 April,
1494.

Also in Aprill the xvj day cam the Bissshop of London¹ vnto Cristes Chirch w^{ty}n Algate to thentent to have depryved the priour; but the pryour knowyng of his comyng shatte the chirch dore agayn hym, and kept him owte by the space of ij owres or more Wherefore the Byssshop, seyng he myght not entir the Chirch, he accorsid the said priour and all theym to him comented, ayded, and counsailled. And the friday after he caused his officer to set vp billes in Dyuers placis of the Cite, sheuyng by the said bylles vnder his seale the said Pryour to be accursid, charging also in thende of the same billes that no man shuld take theym downe vpon peyne of cursyng; how be it an officer of the Byssshop of Caunterbury cam within awhile after and took downe the said billes

(*Ibid* pp 200-1) Item this yere the vth day of September the Bissshop of London cam abowte viij of the klok in the mornyng vnto Cristes Chirch in London w^{ty} dyuers men in ffensibler aray, And there toke owte by suche Auctorite as he had the priour of the place, and sent hym to his prison at powels, and after to Stratford pryson in Essex

(*Ibid* p. 203) Also the xxix day of Novembre, beyng seint Andrewes evyn, the priour of Christchurch afore-rehersed was restored vnto his churche and priory, and thet other which was stallid in his place was avoyded. And the xvjth day of Decembre the said olde priour of his owne fre and voluntary will resigned And the same after none the covent chose hym that was put in before.

¹ Richard Hill, who succeeded Thomas Kemp as bishop of London in 1489, and was himself succeeded by Thomas Savage in 1496.

[“Statuta et ordinationes domini Willielmi Warham, archiepiscopi Cantuar. in curia audientie apud Lambeth edita et publicata tertio die mensis Februarii, anno Dom. MDVII et ejusdem, translationis anno quinto, de consensu omnium advocatorum et procuratorum ejusdem curie,” Wilkins, “Concilia,” iii. 650.]

1. Imprimis statuimus, quod nullus officium advocati 1508. seu procuratoris in curia audientie præsumat exercere, nisi prius fuerit in advocatum seu procuratorem in curia Cantuariensi admissus.

2. Item statuimus, quod causas pauperum iudex certis advocatis et procuratoribus gratis suscipiendas assignet,¹ et tam actorum scriba, quam cæteri de curia nostræ audientie officium suum dictis pauperibus impendant charitatis intuitu, quas causas iudex præ cæteris, et citius, si poterit, expedire teneatur, nihil pro examinatione processuum aut sententiarum literis executoriis, seu prolatione sententie a personis hujusmodi² per iudicem eis assignatus, in eorum causis remissior aut negligentior, quam in cæteris suis causis, fuerit, seu officium suum absque exactione mercedis eis non præstitit, ab hac curia nostra perpetuo expellatur.

3 Item statuimus, quod uno electo negotio, sive incepto, cæteri sileant advocati et procuratores, nisi fuerint in eodem negotio salariati et nulli alii procuratores, præterquam salariati in ipso negotio ad banchum accedant, quousque inchoatum expediatur negotium ea vice; ac etiam modeste et honeste se habeant et proponenda proponant cæteris procuratoribus ab inceptione aliarum causarum tacentibus, registri etiam ordo in causarum expeditione omnino observetur, ita ut prius illæ causæ expediantur, quæ priores in ordine registri fuerint, nisi forte instans productio testium

¹ Cf. Vol II, No 85. ² Supply “accipiens Et si quis”.

1508.

seu partium principalium, quæ sine dispendio differri non poterit, ejus ordinem ex æquitate quandoque postulet interverti, et si quis advocatus vel procurator hujus statuti pro celeri causarum expeditione inducti transgressor extiterit, juxta arbitrium judicis puniatur.

4. Item statuimus, quod nullus procurator in dicta curia audientiæ libellum, exceptionem, replicationem, seu quamcunque materiam justificatoriam, seu exclusoriam, vel directe contrariam, positiones vel articulos in curia prædicta porrigat, proponat, aut ministret in quacunque causa, nisi consilium alicujus advocati dictæ curiæ, officium advocandi in eadem communiter exercentis, ad videndum hujusmodi libellum, exceptionem, replicationem materiam justificatoriam, exclusoriam, vel directe contrariam, positiones vel articulos prius habuerit, dummodo copiam advocatorum ejusdem curiæ habere possit, et si advocatus libellum, exceptionem, replicationem, materiam justificatoriam, exclusoriam, vel directe contrariam, aut positiones, vel articulos absque salario ante sibi tradito videre, aut consilium eisdem adhibere recusaverit, tunc liceat procuratori libellum, exceptionem, replicationem, materiam justificatoriam, exclusoriam, directeve contrariam, positiones, vel articulos in quacunque causa porrigere, proponere et ministrare

5. Item statuimus, quod nullus procurator post litis contestationem, in præsentia advocati ejusdem causæ aliquid petat per decretum, nisi prius per ipsum advocatum ejusdem causæ, tunc præsentem, petatur, et si aliquis procuratorum hæc duo statuta pro communi litigantium utilitate inducta, seu eorum aliquod observare neglexerit, ab officio procurandi in hac curia nostra absque spe restitutionis perpetuo expellatur.

6 Item statuimus, quod auditor causarum in curia nostra audientiæ, deinceps omnia et singula præcedentia

statuta, in primo die juridico termini cujuslibet, quo ^{1508.} eum sedere contigerit pro tribunali, et antequam aliquem actum exerceat judiciale, per ejus actorum scribam perlegi publice faciat; et tam dictus auditor, quam ejus actorum scriba, qui pro tempore fuerit, qui hoc facere neglexerit, tenelitur solvere nobis et successoribus nostris xx solidos sterlingorum, pro singulis terminis totiens quotiens hujusmodi negligentia contigerit, præter et ultra pœnam arbitrariam, per nos, et successores nostros imponendam cuiuslibet eorumdem id facere negligenti, ratione suæ negligentiae et contemptus.

7 Item statuimus, quod quando propter senectutem vel valetudinem testium, aut de consensu partium, vel alia justa causa fuerit pro examinatione testium ad loca extra curiam mittendum, illud in prima vel secunda productione ante tertiam omnino fieri postuletur. quod si usque ad tertiam productionem omiserit malitiose (quod eo ipso præsumetur, si omissum fuerit) volens ulterius ad producendum eos admitti nullatenus audiatur, nisi fecerit fidem, corporali præstito juramento, quod de novo ad ipsius pervenit notitiam, testium hujusmodi testimonium in causa sua vel negotio utile esse vel necessarium, aut eos senes vel valetudinarios extitisse, solennitate juris, quæ in quarta productione requiritur, in suis casibus nihilominus observata. Nec tunc, cum mittendum fuerit, sit in voluntate partis, contra quam conceditur missio, utrum actorum scriba ad id nostræ curiæ vel alius destinetur, cum plerumque sumptus examinerum mittendi quantitatem seu valorem totius litis excedant; sed judicis arbitrio committatur, utrum actorum scribam vel alium transmittat, vel consideratione habita ad personas et causas, alteri personæ illarum partium provinciæ receptionem et examinationem in debita juris forma committat.

8. Item statuimus et ordinamus, quod nullus advo-

1508.

catus in curia nostra audientiæ de cætero causam aliquam, quam suus coadvocatus inceptit, in se scienter assumat, nisi coadvocatum suum infirmum aut absentem fore contigerit, aut suo coadvocato in eadem causa associatus fuerit vel assistat; et qui contrarium fecerit, ab officio advocandi a curia nostra audientiæ expellatur.

9. Item statuimus, ut si quando justificationem seu exceptionem aliquam directe contrariam intentioni, vel replicationem directe contrariam exceptioni, aut duplicationem replicationi, seu deinceps in curia nostra audientiæ proponi contigerit, hoc statim fiat quoad justificationem, seu exceptionem directe contrariam intentioni, statim post litis contestationem, aut saltem infra tertiam sessionem judicalem, prædictæ litis contestationem immediate sequentem, et quoad replicationem, ut id statim fiat post exceptionem propositam et admissam, aut saltem infra tertiam sessionem judicalem post hujusmodi exceptionem admissam immediate sequentem, et simili modo quoad duplicationem, aut proponatur statim, aut saltem infra tertiam sessionem judicalem post replicationem propositam et admissam immediate sequentem, et sic deinceps, ut sic probationes concurrere valeant super eisdem.

70

G. HERESY

[“Italian Relation,” p 23]

Although they all attend Mass every day, and say many Paternosters in public, (the women carrying long rosaries in their hands, and any who can read taking the office of our lady with them, and with some companion reciting it in the church verse by verse, in a low voice, after the manner of churchmen,) they always hear mass

on Sunday in their parish church, and give liberal alms, because they may not offer less than a piece of money,¹ of which fourteen are equivalent to a golden ducat ; nor do they omit any form incumbent upon good Christians ; there are, however, many who have various opinions concerning religion.

71

[The recantation of Stephen Swallow, "Literæ Cantuarienses."
Rolls Ser., iii 312 It should be noted that Swallow's
"heresies" comprehend most of the Protestant doctrines of
the 16th century]

In the name of God Amen. By fore you moost re-^{Lambeth,}
verend fadir in God, John by the grace of the same^{3 July,}
Archiebissshop of Caunturbury, of all England Primate,
and of the Apostolique See Legate, I, Stephyn Swallow,
layman, of the parisshe of Wyly in the diocese of London,
of my pure hert and fre will, confesse and knowlege that I in tyme passid be fore this houre, that is to
witt by the space of xxx yeres and moore, of the sacraments of the Church and of the articules of the feith
have otherwyse belevid, felid, holden, affermyd, and
taughte, than the seid holy Church of Rome and Universall Church of God techith, holdyth, and observyth ;
and many and divers open and damned errours and heresies, contrary to the trew Catholique feith and
determinacion of Holy Church, I have bothe secretly
and openly holden, affermyd, and taughte, and among
other errours and heresies folowyng, that is to witt :
That in the sacrament of the Auter remaynyth the
substaunce of materiall brede and in like wyse of wyne
after the consecracion, and that Crist is not in the same
sacrament really in his owne bodely presence, and so in

¹ Apparently a groat or fourpenny bit

July, 1489, the sacrament is not the very body of Crist. Also that baptyme, confirmacion, orders, penaunce, matrimony, and all sacraments of the Churche be voyde and of none effect. Also that the sacrament of baptyme is not necessary to the salvacion of a childe borne betwene a Cristen man and a Cristen woman, nor he nedeth not to be cristenid. Also that the sowle of a childe borne ded is as good as the sowle of a childe levying cristenid. Also if a man be contrite in his hert, and make his confession secretly and inwardly to God, that than all outward confession by mowth is superflue and unprofitabill. Also that the Pope is a old hoore, sitting upon many waters, havynge a cuppe of poyson in his hande. Also that the Pope is Antecrist, and all Cardinalls, Archebischoppes, Bisshoppis, Prests, and Religious men be the disciples of Antecrist. Also that pardon grantid by the Pope, Cardinallis, Archebischoppes, or Bisshoppis, awaylyth not mannys sowle; for the soule of a man or woman immediatly after it is departid oute of the body goith forth with unto Hevyn or to Helle, for there is no Purgatory. Also that the Churche of Rome is the Synagoge of Sathan, and the Pope is not the Vicar of Crist. Also that if Archebischop, Bisshop, or Prest, be in dedely synne, he hath no poore¹ to consecrate, to cristen, nor to minystre any other sacrament. Wherefore I Stephyn aforseid, contessyng and knowyng my self a miserable synner, and greuously to have synned in this behalf, and from the wey of errowr and derknes retorning and commyng ayene to the wey and light of trouthe and to the unyte of Holy Churche, all the abovesaid errours and heresies and everych of thaym, and alle other heresies, and all other dampned opinions contrary and repugnant to the true Catholik feith and determinacion of Holy Churche beforesaid, revoke, renounce, and by

¹ Power.

the Holy Trinite and these Holy Evaungeles of God, July, 1489. openly and solennly abjure , and ovr this of pure hert and not feynid, submittynge me to the correction of Holy Church, and mekely askyng mercy and grace, in like manner promitt and swere that all suche penaunce and satisfaction as shalbe enjoyned to me by you or by your commaundement, by reason or occasion of my seid excesse and offense, I shall doo and performe obediently and effectually and that from this hour afterward I shall never favour in any wyse suche errours or heresies, or eny other, nor no persone being to my knowlege an heretike or suspect of heresy And if it happen hereafter, which God defende, me to doo contrary to this myne abjuracion, promise, and othe, I submitt me to the rigour and severite of the Holy constitucions and lawes of the Church, and in to feyth and wittenesse of these premisses I make the signe of the crosse +

Lecta fuit suprascripta abjuratio coram præfato reverendissimo in Christo patre, per antescriptum Stephanum Swallow, in quadam alta camera infra manerium dicti reverendissimi in Christo patris de Lameheth, Wintoniensis diocesis situatum, tertio die mensis Julii, anno Domini M^oCCCC^oLXXXIX^{no}, **** præsentibus tunc ibidem una cum præfato etc patre, reverendis patribus Johanne Ehensi, Johanne Lincolniensi, Thoma Herefordensi, Johanne Dunolmensi, Dei gratia Episcopis, ac venerabilibus viris Thoma Cooke, Humfrido Hawardyn, et Ricardo Lichfeld, legum, ac David William, et Thoma Jan[e] decretorum doctoribus.

[An example of a bishop's "significavit" of the excommunication of a relapsed and obstinate heretic, "Chancery Significations," P R O , File 126 The bishop is Richard FitzJames of London This "significavit" does not actually date from Henry VII's reign; but the procedure was the same, and there is no doubt

that Swetyng's and Brewster's heresy originated during that reign, compare No. 48.]

Hadham,
24 Septem-
ber, 1511

Excellentissimo in Christo principi et domino nostro, domino Henrico dei gratia Regi Anglie et Francie ac domino Hibernie, Ricardus permissione divina London' episcopus in eo semper prospere regnare, cujus regnum et imperium in eternum manent. Vestre regie celsitudinis majestati tenore presentium innotescimus et declaramus quod nos contra Willelmum Swetyng de parochia de Chelsith et Jacobum Brewster nuper de villa Colcestre nostre London' diocesis, in causa heretice pravitatis et relapsos in eandem ex officio nostro legitime procedentes, Quia per acta actitata deductaque et probata, ac per confessiones eorundem Willelmi et Jacobi et ipsorum utriusque coram nobis in judicio emissas, Invenimus dictos Willelmum et Jacobum ac ipsorum utrumque diversas hereses et errores opinionesque dampnatas abjurasse, et postea in heresim abjuratam incidisse, ipsos igitur Willelmum et Jacobum hereticos relapsos ac ipsorum utrumque hereticum relapsum penaque in heresim relapsorum puniend' fore pronuntiavimus et declaravimus, ac ipsos potestati seculari ad omnem juris effectum qui exinde sequi debeat relinquentes, supplicantesque quod execucio contra illos facienda sic moderetur ut animarum eorum saluti propensius consulatur.

73.

[Kingsford's "Chronicles of London," p. 200.]

28 Aprill,
1494.

Also this yere the xxviith day of Aprill was brent in Smythfeld an old woman, abowte the age of iiii^{xx} yere and mor, called Johan Bowghton, which was there brent for many heresies to the number of ix Articles of heresy. And neuer wold turne from the said heresies

for noon exortacion, but in the said false and heronyous ^{April,}
opynyons dyed. ^{1494.}

74.

[*Ibid.* p. 208]

Also the xviij day of January, beyng Sonday, at powles ^{17 January,}
Crosse stood ij heretykes w^t ffagottes, which were ^{1496.}
named Richard Myldenhale and James Sturdy.

Also upon Sonday folowyng [after Candlemas] stood at ^{7 February}
powles crosse a man dysgyed in paynted papers, which
was convict of perjury, and w^t hym another w^t a ffagot
abioured for heresy And the Sonday folowyng stood
there a woman with a Tapir in her hand for like mater.

Also vpon passyon Sunday one Hugh a glover of ^{27 March}
chapeside stood at pawles crosse for heresy.

[*Ibid* p 211.]

Also the Sonday next before [the xijth day of October] ^{9 October,}
at Powles Crosse stood iij Lollers w^t the Bookes of ¹⁴⁹⁶
their lore hangyng abowte theym, which bookes wer, at
the tyme of the Sermond, there brent with the ffagottes
that the said lollers bar And among their Erronyous
oppynyons one was, that the Sacrament of the Awter
was but Materiall breed ; And an other was that it was
lefull fer a man and woman to be joyned in Maryage all
the tymes of the yere, and no season except.

76

[*Ibid.* p 222.]

This yere in the begynnyng of Maii, the kyng beyng ¹⁴⁹⁸
at Canturbury, was brent an heretyk, a prest, which by
the kynges exortacion before his deth was conuertyd

1498. from his erowys opynyons, and died a Cristen man ; whereof his grace gate grete honour.¹

77.

[The Sub-Prior of Santa Cruz to Ferdinand and Isabella, "Spanish Cal.," i No 205.]

London,
18 July,
1498.

. . . Told Henry that there are in England and Flanders many heretics who have come from Spain, and people who have fled from the Inquisition, who speak ill of Spain and wish to excite hatred against her. Henry appreciated this advice much. He laid his hands on his breast and swore, "by the faith of his heart," that if any one (without mentioning those cursed exiles) of his best beloved subjects should say anything against the King and Queen of Spain, he would not esteem him, or any longer treat him as his friend. He promised to punish soundly any Jew² or heretic to be found in his realms. Conversed a long time on this subject.

78

[Kingford's "Chronicles," p 226]

16 June,
1499

This yere, the Sonday beyng the xvj day of Jun, stode at the Crosse of Powlis iij heritikes beryng fflagottes ; and vpon the next Sonday folowyng stode there viij herytykes, which all were brent vpon the left cheke, and vpon their garmentes or gownes was set a Rede Crosse and a Brawderid fflagot, which said crosse and fflagot they were enjoyned to were all the tyme of their lyves vpon payne of goyng to the fyre yf they were founde wtout the said conysaunce.

¹ Cf Bentley, "Excerpta Historica," p. 117 "to the herytyk at Canterbury, 6s 8d".

² There are various payments to Jews in Henry's "Privy Purse Expenses" (Bentley, "Excerpta Historica").

79.

[Raimondo de Soncino to Sforza, Duke of Milan, "Venetian Cal.,"
1 799, "Milanese Cal.," 1 p 380]

A new sect of heretics has appeared in England ; they ^{13 July} say that baptism is unnecessary for the offspring of ^{1499.} christians, that marriage is superfluous . and that the sacrament of the altar is untrue. The prelates have commenced persecuting them, and it is hoped they will put an end to the heresy

80.

[Kingsford, pp 229, 232]

Also this yere the xxiiij day of May were oblioured at ^{24 May} Powles Crosse two heretykes doying opyn penaunce. ¹⁵⁰⁰

This yere the Monday before Mary Magdaleyn Day ^{20 July,} and the xxth day of the moneth of Juyll, was brent in ¹⁵⁰⁰ Smythfeld an old man for heresye

81

[Greyfriars' "Chronicle" (Camden Soc), p. 26, "Monumenta Franciscana" (Rolls Ser.), ii 183]

And this yere was brent a palmer.¹

1500.

¹ The editor of the Greyfriars' "Chronicle" (Camden Soc.), p 99, describes this as "a flagrant clerical error of the MS.," apparently on the unsubstantial ground that in Arnold's "Chronicle" under this year we read "this year was brent y^e towne of Paburham" The palmer is no doubt identical with the "old man" of the entry in Kingsford's "Chronicles" which also has the detail about the burning of Babraham. Foxe (iv. 8) thought Babraham was a man, and says "a certain godly man and a constant martyr of Christ, named Babram, in Norfolk, was burnt in the month of July".

82.

[Kingsford's "Chronicles," p 261]

23 Febru-
ary, 1505

And the second Sonday of Lent stood at Paulis Crosse
the Priour of Seint Osyes, and v other heretikys

83.

["London Episcopal Registers," Fitzjames, f 4 " Articuli crimen
heretice pravitatis concernentes contra Elisabeth Sampson
uxorem Johannis Sampson junioris. parrochie de Aldermanbury
civitatis London' super crimen heresis suspecta, objecti et per
eam confessati, atque ultimo die mensis Martii suprascripti in
loco concionis publice per eam abjurati "]

31 March,
1509.

In Dei Nomine Amen Nos Ricardus permissione
divina London' episcopus infrascripta articulos sive
interrogatoria omnia et singula, ac quamlibet partem et
particulam eorundem tibi Elisabeth Sampson uxori
Johannis Sampson junioris de parochia de Alderman-
bury civitatis London' nostrarumque London' diocesis et
jurisdictionis, de crimine heretice pravitatis multum
suspecte deque infrascriptis notate et infamate, tanquam
mulieri de fide Catholica male et sinistro modo sentienti,
ad anime tue correccionem et fidei tue reformationem et
stabilimentum, necnon tocus orthodoxe fidei corroboracionem
atque ad dampnabiles opiniones hereticas per te
quoquo modo prolatas recitatas ac in anime tue interitum
et dampnacionem pertinaciter sustentas, penitus extir-
pandas evellendas et eradicandas omninoque tollendas et
destruendas, necnon ad omnem alium juris effectum qui
exinde sequi poterit aut de jure debebit, objicimus et
articulamus. Super quibus omnibus et singulis ac quali-
bet parte eorundem, petimus a te in vim juramenti tui,
tactis sacrosanctis Evangelis, prestiti, planum plenum et
fidele nobis dari responsum.

1., objicimus tibi et articulamus, quod tu fuisti et es

in presenti de parochia de Aldermanbury civitatis london' ^{March. 1509.}
nostre london' diocesis ac nostre jurisdictioni notorie
subdita et subjecta—fatetur.

ii., objicimus tibi et articulamus, quod tu nonnullas opiniones blassemias et hereses dampnabiles tanquam mali seminis satrix¹ contra peregrinationes et adoracionem imaginum, et presertim imaginis beate Marie de Willesdon, de Stanynges, de Crome, et de Walsyng-ham, Virginis, necnon contra imaginem sancti Salvatoris de Bermondsey, Winton' diocesis, contraque sanctum Eucaristie sacramentum ac Cristi ascensionem, et generalem resurrectionem, in perturbationem et inquietudinem Cristifidelium, animeque tue non modicum detrimentum, ac omnipotentis Dei beatissimeque Virginis Marie matris ejusdem et omnium sanctorum vilipendium et contemptum manifestum, orthodoxe fidei quantum in te fuit subversionem, dampnabiliter asseruisti affirmasti recitasti et in publico proposuisti—fatetur

iii., tibi objicimus et articulamus quod pluribus et diversis vicibus blassemias et verba execrabilia subsequencia contra imaginem beate Marie de Willesdon' tanquam mulier de fide catholica sane non sentiens sed erroribus hereticis inclinans [?] et adherens asseruisti affirmasti recitasti et in publico proposuisti dicendo et dixisti, That our lady of Willesdon was a brent ars Elfe and a brent ars Stocke, and yf she myght have holpen men and women which go to hyre of pilgremage she wolde not have suffered hyr tayle to have byn brent, and what shold folke wurshippe our lady of Willesdon or our lady of Crome for the tone is but a brent ars stoke and the tother is but a popet And better it were for peple to geff ther Almys at home to pore people than to goo of pylgremage—fatetur.

iv., tibi objicimus et articulamus, quod tu similibus

¹ A non-classical feminine of "sator," a sower

March,
1509.

erroribus ducta, quumverius seducta, he[c] verba subsequen-
tia contra peregrinationes a Cristicolis fiendas ad
imagines beate Marie de Berkyng Willesdon Walsyng-
ham vel beate Marie de Crome, dixisti asseruisti et
affirmasti et publice recitasti, Viz, That it was foly to
goo of pilgremage to our lady of Willesdon or Barkyng
Walsyngham or our lady of Crome with many oder moo,
ne to make no praier to them goyng ne comyng, for
thei wer but stockes and stonys, blassemant' que ima-
ginem sancti Salvatoris de Bermondsey predict' dixisti
quod temere et contemptibiliter vocasti eundem Sym
Sawyer with kyt lyppe—fatetur.

v., tibi objicimus et articulamus, quod tu insana,
heresique dampnabili infecta, contra sanctum Corpus
dominicum sive sanctissimam Salvatoris nostri eucaris-
tiam, hec verba execranda damnabiliter dixisti affirmasti
recitasti ac palam et publice propalasti viz, I wilnot gve
[sic] my dogge that bred that some prestes doth minister
at the Alter when thei be not in clene lyff And also
said that thy selfe couthe make as gud bred as that
was and that it was not the body of our Lord for it is but
bred for God cannot be both in hevyn and in erthe—
fatetur

vi, tibi objicimus et articulamus quod tu de Cristi
Salvatoris nostri ascencione non recte, non sane nec
catholice credidisti, et quod sic ut sequitur erronee
affirmasti palam et publice proposuisti, Viz in so mych
that God Almyghty was beried here bodily in Erthe it is
impossibil that He shold come bodely to Hevyn—fate-
tur.

vii., tibi objicimus et articulamus quod tu contra
generalem resurrectionem que erit in fine seculi ac
contra articulos fide catholice, et contra Cunbalum
Anathasi in ea parte ubi dicitur Et ibunt boni in vitam
eternam etc nonnulla verba heresim dampnabilem in se

expresse continentia palam et publice detestand' ac ^{March, 1509.} heretico errore dixisti, et affirmasti dicendo et prout temere dixisti, Viz that moo soules then is in Hevyn all redy shall never come to hevyn—fatetur.

viii, tibi objicimus et articulamus quod omnes et singuli qui opiniones erroneas et hereses quascunque dampnabiles et dampnatas contra et adversus sanctam orthodoxamque fidem scienter presumpserint affirmare asserere proponere predicare publicare seu sustinere fuerunt et sunt per nonnulla sanctorum patrum decreta nonnullasque sanctiones canonicas in ea parte salubriter editas majoris excommunicationis sententia dampnati innodati pariter et involuti—fatetur

Abjuratio dicte Elisabeth Sampson de et super articulis prescriptis sequitur

In the name of God Amen Before Almyghty god the fader the sone and the Holy Goste, the blyssyd virgine our Lady sancte Mary And all the holy cumpeny of hevyn And by fore the Reverend father in god and lord Richard by the sufferance of god my lord Byshoppe of london And you Master William Horsey doctor of decrees vicar generall and chaunceler in his stede to the said Reverend ffather my ordinaire and diocesane I Elisabeth Sampson wif of John Sampson the yonger of the parisshe of Aldermanbury of the citi of london And of your diocese and Jurisdiccion here Judicially and in Jugement beyng personally by fore you voluntarihe and hereto not constreynyd, Knowlege graunt recognise and Opynly confesse, that I wrechid sinner like no trew Cristen woman erroneously and wickydyly Contrarye to cristen feith and contrary to the Laws and ordinance, prechyng and techyng of all holy church, ofte and many tymes have spokyn said publisshed and Rehersed, many poyntes and dyverse opinions a gaynst and contrary to the holy faith of our lord Jhesus Criste, which be con-

March,
1509.

teyned and Rehersyd in the articles her laied purposed and objectid a gayns me All which pointes opinions and Articles and all and singular contentes of the same, I here opynly ffrely voluntarih and playnly without any faynyntyng or Color, graunt knowlege recognise and opynly confesse that I have spokyn affermyd published and Rehersed ofte and many tymes, And I have not belyvvd stedfastly in the faith of Criste And here by fore you Master William Horsey vicar generall and Chaunceler a fore said I utterly forsake all and singular theis my saynges and false Opynyons, and do Renownce forswere and abjure them every of them and all other And I promitt Awnswere by this holy Write boke and the holy contentes of the same by my here bodily and corporally towched with my handes and Kyssed with my mowth Never to Return to them ony of them or any other, Ne never to hold ne Reherse them from hens forth ne any other Agayne, And in tokyn and Witnesse herof I here subscribe this present wrytyng And make this signe and marke with my own hand +.

H. PROCEEDINGS IN CONVOCATION

84.

[Wilkins' "Concilia," in 618 Convocation of Canterbury, 1487]

St. Paul's,
London,
13 February,
1487.

Dominus archiepiscopus electus¹ et confirmatus, literas regias pro convocatione mandato suo inferit; hoc cum certificatorio episcopi London. perlecto, causaque convocationis proposita, prolocutorem magistrum Thomam Cooke a clero electum acceptavit et admisit. Crastino die "coram domino in dicta domo capitulari pro tribunali sedente, assidentibus sibi reverendis in Christo patribus,

17 February.

¹ Morton had been papally provided to the archbishopric on 6 October, 1486; but the royal *congé d'élire* was not dated until 13 June and the temporalities were not restored till 13 July, 1487.

Petro Exon. Johan. Elien. Jac. Norwicen. Joh. Lincoln. Edmund. Roffen. et Thoma Sarisb. Dei gratia episcopis, February,
1487.
post diutinam communicationem inter eosdem pro reformandis in ecclesia habitam, productus fuit quidam dominus Wilhelmus Symonds, presbyter, xxviii. annorum ætatis, ut asseruit, qui ibidem in præsentia dictorum dominorum ac prælatorum et cleri, necnon majoris, aldermannorum, et vicecomitum civitatis London. publice fatebatur et confessus est, quod ipse filium cujusdam [] *orginmaker*¹ universitatis Oxon ad partes Hiberniæ abduxit et transvexit. Qui quidem filius pro comite Warwici ibidem reputabatur, et quod ipse postea erat cum domino Lovell in Fuvnefotts² et istis et aliis per eum ibidem confessatis, præfatus reverendissimus in Christo pater rogavit præfatum majorem et vicecomites, ut præfatum dominum Will Symonds ad turrim London adducerent, ibidem custodiendum, pro eo quod idem reverendissimus pater habuit alium de comitiva dicti domini Willelmi, et non habuit nisi unam personam³ in manerio suo de Lamehith

Et ipsis a dicta domo recessis, dominus communicavit cum confratribus suis, prælatisque et clero de pluribus reformandis in ecclesia. Et ibidem inter eosdem responsum erat, quod privilegia priori S Johannis Jerusalem in Anglia, et fratribus suis concessa, male et enormiter his diebus utebantur, et quod prædicantes verbum Dei apud crucem S Pauli London maxime clamant contra ecclesiam et ecclesiasticas [personas], in earum absentia, et in præsentia laicorum, qui semper clericis sunt infesti⁴. Quare determinatum erat, ut

¹ Called a "joiner" in the Act of Attainder, see above, Vol. 1., No 35. Wilkins prints "orginmakers"

² *Sic* in Wilkins; the MS. has "furnesfelles"

³ "Prisonam" (MS.).

⁴ Compare the well-known remark attributed (on the evidence of a pamphlet printed about 1536, reprinted by Hall, incorporated in

February,
1487.

dictus prior S. Johannis, ac duo de senioribus cujuslibet domus fratrum Mendicantium dictæ civitatis, et alii docti viri in sacra theologia in dicta civitate ad ecclesias promoti, vocentur erga diem Martis proximum ad habendam communicationem cum eisdem de et super præmissis. Et petiitum erat per præfatum prolocutorem, ut prælati et clerus ad dictum concilium evocati, suis gauderent antiquis privilegiis, et libertate¹ Cui præfatus rev. pater respondebat, quod, in quantum poterit, voluit ea observari; et continuavit dictam [convocationem, usque ad et in diem Lunæ tunc proximum²

Quo die³ coram præfato reverendissimo in Christo patre, assidentibus sibi prænominatis episcopis, et Roberto, Wigorn. episcopo, comparuit frater —⁴ prior S. Johannis Jerusalem in Anglia, et protestabatur, quod per suam personalem comparitionem ibidem non intendebat derogare seu revocare privilegia sua, sed ea observare illæsa, et dixit, quod libenter voluit, [quod] si aliqua enormia in locis ordini suo appropriatis per aliquos capellanos seu servientes ad se vel fratres suos pertinentes, perpetrata, corrigerentur et emendarentur, et literas

Foxe, and summarized in the "Letters and Papers of Henry VIII" under 1515) to FitzJames, Bishop of London, in 1515, to the effect that any London jury would convict any clerk "be he innocent as Abel they be so maliciously set *in favorem hereticæ pravitatis*" See "Victoria County History of London," pp 245-7

¹ Dr Cooke also defended the Abbot of Westminster's liberties, see above, No. 54.

² Here and seven lines above, the MS. has "proximo"

³ The chronology or the register here seems to be defective The Mondays in February, 1487, fell on the 5th, 12th, 19th and 26th, and if the subsequent dates are correctly given, it would appear that while convocation was adjourned until Monday, 19 February, and the Prior of St. John's was to be summoned "erga" Tuesday the 20th, either convocation did not meet or no business was recorded in the register This, the next day for which business is recorded, seems to have been Friday the 23rd

⁴ Weston

apostolicas sibi concessas vellet ostendere, et eas libenti ^{February, 1487.} animo reformatas habere. Et hiis dictis, idem prior a dicta domo recessit "

Post ejus recessum quidam nobiles et præpotentes domini de concilio domini regis in dicta ecclesia comparuerunt, ostendentes nomine domini regis quales et quantas pecuniarum summas pro defensione regni Angliæ et ecclesiæ Anglicanæ expenderit, et quales ad resistendum rebellionibus inimicorum suorum adhuc necessariæ forent. His propositis, et cum utraque domo communicatis, dominus continuavit dictam convocationem usque in crastinum.

"Quo die, viz 24 die mensis prædicti,¹ dominus in dicta domo pro tribunali sedens, assidentibus sibi coepiscopis supradictis, una cum prælatis et aliis clericis, diutinam communicationem² habuit cum eisdem, pro reformandis in ecclesia, et pro subsidio habendo. Et deinde detectum erat, quod presbyteri dictæ civitatis male se tractarunt, quidam ex eis in pandoxatoris sive cauponibus, et quidam in tabernis communas suas habuerunt, ibi sedendi fere per totum diem, sine aliquo consorte suo. Quare dominus, hiis auditis, evocari fecit eosdem ad comparandum coram eo, ad 26 ejusdem mensis Februarii,³ et continuavit dictam convocationem suam usque ad et in crastinum.

Quo die coram domino et confratribus suis cæterisque prælatis comparuerunt quamplures docti, tam seculares quam religiosi, verbum Dei ad crucem S. Pauli London. prædicare soliti, habita diu communicatione inter dictos rever. patrem, et suffraganeos suos, et dictos doctos viros, tandem dictus rever. pater monebat eosdem doctos viros, ac eis præcepit, ne de cætero contra ecclesiam et ecclesiasticas personas coram laicis in suis sermonibus prædicarent; sed si aliquam personam spiritualement male

¹ Saturday² "Convocationem" in MS³ Monday

February,
1487.

et enormiter vivere, seu illud inhoneste agere, quod non deberet,¹ tunc talem personam ordinario suo detegerent. Et si idem ordinarius talem malefactorem non corrigeret, tunc eum præfato reverendissimo patri denunciarent; et si ipse eum non puniret, tunc idem prælibatus pater voluit, quod idem docti viri de se et nullo alio prædicarent. Et quia alta dies erat, continuavit dictam convocationem suam usque ad et in crastinum.

Quibus die² et loco comparentibus coram reverendissimo in Christo patre, et aliis episcopis supradictis, presbyteris dictæ civitatis London. quibus dominus intimavit, qualis infamia super illos in dicta civitate crescit, quod quamplures eorundem tabernas, pandoxatoria, sive caupones indies exerceant, ibidem expectando fere per totum diem. Quare dominus consuluit ac etiam monuit eosdem, quod imposterum talia dimittant; et quod xii vel xiii. eorum uno loco insimul ad communas trans-eant, et quod dimittant suos longos crines, et induantur togis non per totum apertis³. Et deinde a dicta domo recesserunt. Quibus sic a dicta domo recessis, dominus ex consensu confratrum suorum ac prælatorum statuit et ordinavit, prout sequitur, in futurum custodienda sub hac forma verborum":

[*Decretum dom. archiep. Cantuar. de exequiis episcopi.*]

"Quia sacro testante eloquio sancta et salubris est cogitatio pro defunctis exorare, et tenemur bonum facere, maxime domesticis fidei, hoc sacro approbante concilio statuimus, ut de cætero cum aliquem confratrum, co-episcoporum provinciæ Cantuariensis diem suum obire contigerit, ipsiusque mors episcopis superstitibus fuerit notificata, quam cito commode fieri possit, quilibet episcopus nostræ provinciæ, sic superstes, exequias ac sex missas pro anima episcopi sic in fata decedentis, per se, vel per alium infra mensem a tempore notitiæ

¹ "Faceret" in MS. ² Tuesday, 27 Feb. ³ See above, No. 65.

mortis ejusdem episcopi dicere teneatur, sicuti poenam canonum voluntarie transgressoribus impositam evitare velit.” February,
1487

Et tandem venit præfatus prolocutor et præsentavit domino, nomine totius cleri, quatuor schedulas, unam viz. continentem in se unam integram decimam concessam domino regi; et aliam continentem in se subsidium prædicto reverendissimo in Christo patri concessum; et tertiam continentem in se festum transfigurationis Domini nostri Jesu Christi, quod dominus ex consensu fratrum suorum, prælatorum, et cleri statuit et ordinavit fore custodiendum singulis perpetuis annis futuris, per modum novem lectionum, quolibet septimo die mensis Augusti, et quartam de & super correctione indumentorum, et vita presbyterorum. Quorum tenores per dominum et confratres suos admissi et ratæ habiti sunt.

85

[Convocation of Canterbury, 1489, Wilkins, "Concilia," in 625

The unusual inverted commas in these passages from Wilkins indicate that he has abbreviated instead of transcribing other parts of the register. Wilkins' "Concilia," like the "Journals" of the Lords and Commons, the "Rotuli Parliamentorum" and nearly all the official compilations stand badly in need of scientific editing.]

Brevi regio, mandato archiepiscopi pro convocatione, St Paul's, London,
certificatorioque episcopi London. perlectis, prolocutor 14 January,
mag. Humfridus Hawarden a clero electus, a reveren- 1489.
dissimo admissus est. Qui "officium hujusmodi tunc in se assumens, humiliter petuit, ut S. mater ecclesia, ac etiam clerus ad dictam convocationem congregatus, suis juri- bus, immunitatibus, et privilegiis sibi indultis gauderet." Deinde domum capitularem intraverunt commissarii domini regis, gratiusque prælatis et clero actis addunt, "quod sua majestas movetur partim ad specialem rogatum communis in parlamento tunc

January,
1489.

30 Janu-
ary.

congregatæ, partim et maxime ad præveniendâ evitandaque pericula, quæ a Francorum rege huic regno suo inferenda sunt, nisi celeriter de opportuno provideatur remedio". Deinde post nonnullas prorogationes convocationis penultimo die mensis Januarii "in domo capitulari sedente eodem reverendissimo patre pro tribunali, assidentibus sibi reverendis patribus suffraganeis suis, et clero provinciæ suæ Cant. inter alia communicata conquestum fuit per mag. Michælem Clyve, cancellarium sive commissarium episcopi Winton. ac etiam per nonnullos alios, tunc ibidem præsentis, de abusu privilegiorum domibus ordinis S. Johannis Jerusalem in Anglia indultorum, viz quod capellani in eisdem præsidentes se taliter privilegiatos fore asserunt, quod usurpant absolvere partes sive personas ab ordinariis sive auctoritate ordinaria, in quacunque causa, sive ad partis instantiam, sive ex mero officio excommunicatas; ac etiam solemnizare matrimonium contra jus divinum et canonicum; et multotiens, pendente lite inter unum eorum, inter quos solemnizatur tale matrimonium, per partem absentem non vocatam, nec bannis matrimonialibus editis. Quarum rerum occasione vocatus fuit dominus prior domus S. Johannis prædictæ, qui negavit se hujusmodi abusus unquam fautorem fuisse. Et commissâ fuit examinatio illius negotii omnibus cancellariis, commissariis, sive officariis dominorum episcoporum Cant. provinciæ, in quorum dioeces aliqua loca sive aliquis locus dicti ordinis existeret." Eodem die redeunt commissarii regni, et de instanti præparatione regis Franciæ contra Angliam certiores faciunt synodum; ob cujus defensionem instantius petunt subsidium, quod 27 die Februarii¹ post varias continuationes synodi conceditur.

¹ Parliament, which had met the day before convocation, 13 January, was prorogued on 27 February.

“Eodem enim 27. die mensis Februarii adveniente, ^{January, 1489.} in domo capitulari prænotata rever. in Christo patre Cant. archiepiscopo sæpedicto pro tribunali sedente; assidentibus sibi prælatis et clero suæ Cant provinciae, præscriptus dominus prolocutor, nomine totius cleri, ut asseruit, concessit domino nostro regi quoddam magnum subsidium viginti quinque mille librarum, ad duos anni terminos æqualiter persolvendum, sub hac modificatione, conditione, sive provisione; quod soluta ipsi domino nostro regi dicti subsidii xxv millium librarum summa, dicti prælati et clerus ab omni alio onere et solutione, vigore istarum concessionum prædictarum, seu earum alicujus, fiant omnino quieti, et penitus exonerati, etc Necnon duo subsidia ad Dei laudem, et ecclesiae Anglicanae defensionem, sub modis, formis, et conditionibus in concessione eorundem plenius descriptis, de quibuscunque capellanis, regularibus et secularibus, etc præfato reverendissimo patri etiam tunc ibidem concessit Quibus concessionibus sub certo modo in vota redactis, coram eodem rever patre et suffraganeis suis, ac cæteris prælatis, et clero tunc ibidem recitatis, postquam dicti suffraganei sui, ac cæteri prælati suos consensum et assensum expresse præbuissent, ac dicta subsidia, quantum in eis erat, unanimiter concessissent, præfatus rever in Christo pater concessioni præfati magni subsidii xxv millium librarum consensum suum adhibuit, et duo minora subsidia sibi, ut præmittitur, concessa gratanter acceptavit Et insuper præfatus dominus prolocutor præsentavit rever. patri antedicto, nomine totius cleri Cant. provinciae, quendam quaternum papyri, continentem in se festum de nomine Jesu, quod festum rever pater præscriptus de consensu confratrum suorum necnon prælatorum, et cleri, tunc ibidem præsentium, statuit et ordinavit fore observandum singulis perpetuis annis futuris, per modum et formam

January,
1489.

in hujusmodi quaterno contenta. Præsentavit etiam tunc ibidem præfatus dominus prolocutor tres alias schedulas, formas et tenores concessionis duorum subsidiorum, de quibus supra sit mentio, in se continentes "

86.

[Convocation of York, 1504, Wilkins, " Concilia ," iii 649.]

York,
14 August,
1504.

Virtute brevis regni datæ 22 die mensis Maii, anno regni xix convocatio cleri provinciæ Ebor celebrabatur die Lunæ prox post festum S Petri ad vincula, viz 5. die Augusti; et deinde prorogabatur ad 14. diem ejusdem mensis Summonitio episcopo Dunelm ab archiepiscopo facta, data est 13. die Junii, anno translat iv In hac convocatione clerus unam integram decimam sub certis exceptionibus domino regi concessit; cujus concessionis certificatorium datum est 4. Septembris

Ordinatio de orationibus pro rege

In hac convocatione prælati et clerus ordinaverunt, decreverunt, et statuerunt, quod serenissimus princeps et dominus noster supremus, Henricus, Dei gratia rex Angliæ, etc propter certas causas et considerationes tunc expositas, omnium missarum, orationum, jejuniorum, vigiliarum, disciplinarum, bonorum operum, quæ in cunctis hujus regni sacris ædibus, tam cathedralibus quam regularibus, et collegiatis ecclesiis, exemptis et non exemptis, per inibi ministros operari aut fieri dignabitur clementia Salvatoris, tam in vita quam post mortem particeps erit, ac communionem et participationem habebit perpetuam, quantum cum Deo possent, concesserint, et largiti fuerint; adjicientes, similibus consensu et assensu, quod in qualicumque missa principali ad majus sive summum altare, tam cathedralium quam regularium ecclesiarum, numerum tredecim virorum clericorum habentium, per quemcunque ibidem minis-

trantium certas orationes et suffragia pro ipsius domini ^{August,} nostri regis salute et incolumitate, prosperoque statu, et ^{1504.} felici successu, dum diem in humanis egerit; aliaque nonnulla tunc etiam in specie designata, postquam ab hac migraverit, solenniter legerentur et fierent, prout in actis ordinationis, decreti, statuti, et concessionis hujusmodi plenius continetur. Mandatum ad publicandum has constitutiones provinciales datum 5. die Martii an. Dom. M. D. IV [1505] ¹

¹ Wilkins' "Concilia" is by no means the faithful transcript from the Registers which it is commonly regarded. He omits many lengthy passages, and summarizes others with the utmost brevity. Thus, the first five lines of No 84 represent two and a half pages of the Register, and on p 249 he omits some interesting passages telling how the Earl of Derby produced the Earl of Warwick before Convocation, the mayor and sheriffs of London and others being present, and how the archbishop took him back to Lambeth. Nor was Wilkins particular about his inverted commas: those in No 85 appear in his printed text; but those in No 84 have been here inserted to distinguish the text of the MS. from Wilkins' summaries. There are also numerous verbal discrepancies.

PART III IRELAND

A NARRATIVE EXTRACTS

B LEGISLATION

A NARRATIVE EXTRACTS

87.

[“ Instruccions yeven by the kinges grace unto his counseillour and servant John Estrete to be shewed to therl of Kildare,” “ Letters and Papers,” 1. 91-3]

Furst, as touching the article of the petitions of the said ¹⁴³⁶ erl for to have his office of deputie lieutenant of that land for the terme of ix or x years, the said John Estrete shall say that to thintent the kinges grace may the better counsell, conclude, and devise for the bringing of his land of Irland into pleyne obeissaunce and such estate, welth, and prouffitte as it hath be in tyme passed, he desireth in that partie to here thadvise of the said erl, considering that for the long rule that he hath borne there, ther can no man therein better connsaill his grace than he

Item, his grace hath ben wel advertised that the said erl in his said office served king Edward the iijth nobely, trewely, and hardely, and moche better after the tyme he had been with him in this his royalmie

Item, his grace trusteth that upon mutuell sight and comunicacion had betwixt his grace and his said cousin, his grace shall the rather be enclined to take his said cousin into his nigh favor and grace, and his said cousin on his partie shall moche the better be couraged, moved, sturred trewely and fastely to serve his grace, and therupon in his owne persone conclude, not oonly for himself, but also for his children, brederen, kynne and

1486.

alies according in the secrete credence whiche the said John Estrete on the behalve of the said [erl shewe]d u[n]to the kin]ges grace. For whiche causes and the perfite performacion of the same the king willeth and desireth his said cousin . . . [to] be with him personelly in this his royalm before the furst day of August next commyng, whersoever his grace shall than be. And for the suretie of his persone and of alle suche as shall comme in his company for the tyme of his or their commyng, abiding, and retorneyng, the king marveilleth that he can desire any promises, seales, or writings of ony of his lordes more than of his grace oonly, considering not oonly that such a suretie can not stand with the kinges honour, but also that neither the said erl ne any other hath seen that his grace hath broken promyse or assurance by him made unto any person. Wherfor his grace sendeth by the said John Estrete unto the said erl his lettres of proteccion and tuicion undre his signet and signemanuell, whiche he wol as duely kepe and see kept as if they were passed undre the seales of all the lordes of his land.

Item, the said John Estrete shall say that upon the said erles commyng and being with the king by the said day the king shall as benignely, tendrely, and largely take him into the favor of his grace as ever did King Edward the iijth, and in so ample wise departe with him as shalbe to thencecrease of his honor, prouffite, and preferring, and at the same tyme enlarge his graunte of his said office of deputie lieutenant of that his land for ix or x yeres according to his desire.

Item to the second article of the said erles petitions concernyng thassignacion of m^l li. for his wages in the said office, the said John Estrete shall say that the kinges pleasir is that the said erl, at his forsaid commyng unto his grace, bring with him in writing the certaunte of the kinges revenues of that his land of Ir-

land, with the charges going oute of the same, whiche^{1486.} seen, shall mowe appere what remayneth clerly unto his grace, and if the same wol answere the said m^l l^z. the king is content at his commyng unto his grace to make him a graunte thereof for his wages And in caas the said revenues comme not clerly to somoche, his grace wol than at the commyng of the said erl soo covenant and indent with him for the certainte of his wages and contentacion of the same as of reason he shal have cause to hold him content and pleased.

Item, where the said erl desireth to have of the kinges graunte to him and his heires males the manoir of Lexlep and the keeping of the castell of Wekenlowe, the said John shall say that upon the said erles commyng unto his grace, the king is content and wol make him a sufficient graunte theroff according to his desir

Item, finally the said John shall shewe unto the said erl that there is noo thing doon by the said erl. [no]r reporte of him made unto the king, ne favour, affeccion, or ennemyte of any person of what condiccion so ever he be that shall torne his grace from the said erl, but that upon his commyng unto his presence he shalbe as good and gracious lord unto him as is above rehersed, and more largely if the said erl can it reasonably desire.

88

[The "Book of Howth," pp 188-9 (On the authorship and value of the "Book of Howth," see Brewer's introduction, pp xi-xxi The MS is in various hands, and the following passages can hardly have been written earlier than the middle of the 16th century]

After that King Richard the third was slain worthily¹⁴⁸⁷ by King H. 7., there was a priest called Sir Richard Symone¹ in the second year of H. 7. that worthy Solomon. This priest had elected a scholar named

¹ William Symonds, above, No 84

1487.

Lambart Symenell, one of a gentle nature and pregnant wit, to be the organ of his feigned enterprise, and to be the rightful inheritor to the Crown of England, and so thereof to make him King of England, and to make himself to be some great bishop and potestate ; for that craftily feigned King E. 4's sons was away fled, and thought to feign this scholar to be one. This crafty and subtle priest brought up his scholar with princely behaviour and manners, literature, declaring to this child, what lineage he was of and progeny, in so learning him he might so inform the people, that they should the rather conceive the tale to be true.

Soon after he caused to be blown abroad that Edward the young Earl of Warwick was broken abroad out of the Tower, which both was of one years and one stature , and then he changed the child's name and called him Edward, after the name of the young Earl of Warwick. And he with this child sailed into Ireland, and there he declared this same to certain of the nobility there, which did both credit the matter and favoured the cause , in so much that Lord Thomas Geraldinge, Chancellor of Ireland, much furthered this matter, and published this same throughout all the realm. And so they called him King, then being in Crichurch , and for that the throng of the people was such that he could not be seen, the child was borne in, and upon Great Darsey of Platan's neck, that every man might see him , and so sent their letters secretly into England, and also to Flanders to Lady Margaret, sister to the King Edward, late wife to Charles Duke of Borgoyne, to further his purpose with all her might and power. This Lady Margaret was very well beloved in her country. The contents of that letter she did observe with all diligence to the uttermost of her ability.

Sir Nicolas, Lord of Houth, perceiving all this but a

mad dance, sent over to the King, and advertised him ¹⁴³⁷. of all of these matters from the beginning to the ending, who was the doers and maintainers of the whole matters in Ireland and Flanders

After the King called his Council, and these thought good to give a general pardon to all those that would receive this same without any condition or exception. And after the young Earl of Warwick was brought to Paul's Church through London, where as ever many might see him that thought he was run away, and that they might perceive the fondness of those of Ireland to move war against the King without any just matter

The Earl of Lincoln, son to John Delapoll, being a wise man, as it was reported, secretly conveyed him to Flanders, and the Lord Lovelde landed there certain days before him; so they there concluded to go into Ireland, that the honour might be the more to this young King supposed, with one Martin Swarde, a good captain, out of Germany, and two thousand soldiers expert in the wars And there in Dublinge in Ireland they proclaimed this child King of England, being borne and sitting upon Darsey's shouldiers to be seen of all men, for that Darsey was then the highest After they had gathered so much Irishmen as would take their parts, with one Thomas Geraldine as their leader, and for the most part naked, they took shipping, and landed at the Pyll of Fonder in England for a fit purpose; which doings, as is aforesaid, was certified the King by the Lord of Houth in Ireland.

The King, hearing these men's landing, concluded to encounter with them incontinent, lest that in long tarrying might enlarge their power and to increase, being but a few in the beginning, which was a great cause of mistrust. To be short, both the armies came within a little to Stocke, and the morrow after joined

1487.

and fought very valiant on both sides, for those Allmayns were very good and apt soldiers, so were their captain Martin Swarthe, his like was not in both the armies to all purposes. The Irishmen did as well as any naked men could do, and at length they were slain, about four thousand and more. Their captains was the Earl of Lincoln, Lord Loveld, Bioghton, Martin Swarthe and Lord Thomas Gerald, and many of the King's side was killed and hurt. This feigned King and crafty priest his master was taken alive. This priest was commanded to perpetual prison, and this innocent child became falconer to the King after. This field was fought the 16 of June 1487.

After the King sent for all his Lords of Ireland, being in England with the King. After long talk with them the King said to the Lords, "My masters of Ireland, you will crown apes¹ of length." Those Lords, being a procession appointed, with certain Lords of England to be their companions and fellows in that procession appointed, amongst all one Lord was, and the Lord of Houthe together, which trembled with fear, and scarce could speak, and said "Sir, there shall be no butchery done upon none of us this time, praise be to God, for the face of the axe is turned from us." This axe was borne afore the procession, as it is accustomed, and as he was speaking he could scarce speak with fear. Being asked by the Lord of Houthe the cause why he frayed, said, that "the Lord my father and grandfather was beheaded." "Well" said the Lord of Houthe, "follow my counsel, serve God with all your heart, and fear your prince and obey his laws to your power and you need never doubt of any such thing."

This same day at dinner, where as those Lords of Ireland was at Court, a gentleman came where as they

¹ Perhaps an allusion to the apes on the Geraldine coat-of-arms.

was at dinner, and told them that their new King¹⁴⁸⁷. Lambarte Symenell brought them wine to drink, and drank to them all. None would have taken the cup out of his hands, but bade the great Devil of Hell him take before that ever they saw him. "Bring me the cup if the wine be good," said the Lord of Houth, being a "merry gentleman, and I shall drink it off for the wine's sake and mine own sake also, and for thee, as thou art, so I leave thee, a poor innocent." After, the Lords being there a time longer than their purses could well bear, they were licenced to go to their country, and the King did give the Lord of Houthe the apparel that he ware that day, and £300 in gold, with thanks; and so departed.

89.

[Calendar of Carew MSS., 1 472-3, "Lambert, a boy, an organ maker's son, crowned in the city of Dublin as King of England. anno regni Regi Henrici Septimi 3^o" 1]

The Earl of Kildare, then Governor of this realm of Ireland, with the assistance of all the Lords Spiritual and Temporal, and Commons, of the north part of Ireland, in the Castle of Dublin, with the crown which was on the image of Our Lady of Dañ within the said city, the Lords and Commons aforesaid crowned the said boy as King of England and Lord of Ireland, and so proclaimed him; and after carried by the mayor of Dublin in his arms in procession, with great triumph, about the city of Dublin; the said Earl and nobility and citizens of Dublin following him as their king, unto whom all the north of Ireland was obedient as their king and lord. And soon after the said Earl, as tutor and keeper of the said king, sent unto Mr. John Butler,

¹ Really, the 2nd year.

1487.

then mayor of the city of Waterford, and to all the citizens of the same, a straight charge and commandment to be "in full readiness and prepare himself and all the citizens to receive their king and lord, and to assist him with all their force unto Mounster." The mayor and citizens sent answer that they deemed all such as furthered the said coronation to be rebels. The Earl ordered the poor groom who carried the answer to be hanged in Hoggyn Green, wherewith Walter [Fitzsimons], Abp. of Dublin, Chancellor, and others of the Council, were offended. Then the Earl sent his herald, in his coat of arms to Waterford. The mayor would not allow him to land at the Great Key, so he delivered his message in a boat, commanding the mayor and inhabitants to proclaim the said King presently, on pain of hanging at their doors. The mayor refused, and threatened to give battle thirty miles from Waterford. At that time the city entertained all the Butlers and Breynis [Briens], who were in or near the city, in great numbers; and also all the good subjects of Kilkenny, Callan, Clonemell, Fidderseth, and other towns, all in readiness for battle. Shortly after "the wind came up at East," and the forces of King Henry came from England, and landed at Skerrese, Clontarf, Dalkey, and the places near Dublin. The said Earl and his king, the Abp of Dublin, and many others, were taken prisoners, and carried to the Tower of London.

1494.

90.

[Octavian de Palatio, Archbishop of Armagh to Archbishop Morton or Bishop Foxe, "Letters and Papers," i. 383-4].

1488.

Venerabilis in Christo pater, congrua commendatione præmissa, paternitatem vestram non celamus, quod pro-

fano coronationis pueri¹ in Hibernia sceleri, me solo 1488. excepto, nullus obstitit manifeste; qua in re maximis subjeci periculis vitæ, cum Lincolnensis comes, mihi tunc rabiosa invidia invidens, comitem Kildariensem inordinata adiens iracundia, potestatem quæsit pariter et licentiam jura regalia in contradicentibus actui hujusmodi realiter exequendi Attamen, quamquam dictus comes Kildariensis quod dictus Lincolnensis desideravit in ea parte eo instante abnuit, benevolentiam supradicti Kildariensis et aliorum procerum et primorum, cum eodem in actu hujusmodi profane participantium, cordialem me adipisci hactenus non sensi, imo in ambiguitatis amissionis bonorum et temporalium meorum perplexitate in dies permanere compellor. Et licet præfatus Kildar. et alii quidam magnates et primores Hiberniæ strenuo viro Richardo Eggecombe,² militi, serenissimi domini nostri regis Henrici invictissimi in hac parte commissionario, nuper in Hiberniam destinato nomine dicti domini regis homagium et fidelitatis juramentum præstiterint, nihilominus antiqui livoris faciem in eis contra me remanere conspicio. Nam milite prædicto, ut opinor, nondum in Angliam applicato, nova contra me (sicut in literis quæ præsentibus inclusas vobis transmittito, latius continetur) incitamenta moverunt, instigante (ut æstimo) venerabili fratre meo, Joanni Midensi episcopo,³ meo suffraganeo, qui in ambatiatorem dicti Kildar atque magnatum ad regem mittendus est festinanter, materiem quippe hujusmodi novorum incitamentorum vestræ prædictæ paternitati me convenit explanare.

Post prædictam coronationem de facto celebratam, prænominatus comes Kildar. quoddam nomine dicti coronati magnum tenuit concilium, in quo Domini

¹ Lambert Simnel was crowned in St Patrick's on 24 May, Whitsunday, 1487

² See the next item

³ John Payne, Bishop of Meath

1488.

Spirituales in eodem concilio comparentes, me tamen absente, personaliter conscientiarum suarum morsibus vulnerati, quoddam subsidium ad sacrosanctam Sedem Apostolicam pro absolutione a sententiis et censuris quas forsitan novos tumultus contra regem prædictum suscitantes incurrerunt, obtinenda,¹ destinandum concesserunt super Hiberniæ clero. Et postquam serenissimus dominus noster rex ex sua benignitatis gratia generalem absolutionem expensis suis propriis obtinuit in ea parte petentibus, dictus comes Kildar. nitens subsidium hujusmodi contra formam concessionis ejusdem in proprios usus et utilitatem, pro suis apud regem expediendis hac vice negotiis, convertere, mihi reclamanti et alleganti quod cessante causa cessare debet et effectus, volentique clero meo defendere pro posse, noviter nocere demolitur, asserens me semper sibi et toti corpori terræ contrarium fore. Et scio pro certo quod si contingat dictum comitem Kildar. regimen Hiberniæ regia autoritate obtinere, ac cancellarium Hiberniæ ad nutum suum ordinare, spes non est mihi quietis in Hiberniæ. Et tunc infideles domino nostro gaudebunt, et ego pro fidelitatis meæ bravio opprobrium atque dispendium invidi rancoris reportabo. Si tamen prædictus serenissimus dominus noster rex me de cancellariatus officio Hiberniæ providere dignaretur,² tanta columna suffultus partem dicti domini mei regis contra suos adversarios fortius possem sustentare, et dictum comitem et alios mihi et dicto domino meo contrarios minus ponderare. Quamobrem vestræ prædictæ paternitati precibus quibus possum

¹ Cf. above, Nos 39, 40

² The archbishop was not appointed lord chancellor of Ireland, the holders of that office after 1488 being successively Alexander Plunket, Henry Deane (afterwards Archbishop of Canterbury), and Walter Fitzsimons, Archbishop of Dublin

supplico instantissimis, quatenus dicto domino regi¹⁴⁸⁸.
præmissa suggerentes, meæ quieti in dicto cancellariatus
officio mihi obtinendo adminiculum adhibeatis, et, si
paternitas vestra me consulerit, ad Angliam personali-
ter accedam. Quicquid vero paternitas vestra viderit
faciendum in præmissis me cum latore præsentium
literatorie dignetur celeriter certificare

91

[Edgecumbe's mission to Ireland, Campbell's "Materials," 11
318]

The king having appointed his well-beloved servant ^{Windoor}
Robert Bolman (one of the clerks of the privy seal) to ^{Castle,}
accompany Sir Richard Eggecombe (the comptroller of ^{29 May,}
the king's household) on an expedition to Ireland, on ¹⁴⁸⁸
matters of great moment to the sovereign and to Ireland
—Mandate to the treasurer and chamberlains of the
Exchequer to pay to the said Robert Bolman, without
prest or other charge, the sum of one "hundreth
shillinges sterlinges . assigned vnto him by waie of
reward for his spedy preparinge and arrediying furth-
wardes"

92

[The Lords of Ireland to Henry VII, "Letters and Papers," i
377-9]

Moost excellent Cristen kyng and our moost redoubted ¹⁴⁹² [1]
soverayne hege lord, in the humblest wise that eny
subjettes kan or may, we recommaund us unto your
moost noble grace Please it the same that our right
gode lord Gerald erle of Kyldare your depute heutenaunt
of this your land of Irland hathe shewed unto us your
graciouse lettres dated at your maner of Grenewich
the xxviiij day of July last passed, wherby we have well

1492 [1].

understaund your graciouse mynd in the same that ye wold have our said gode lord to your noble presence, to thentent that he myght knowe therby your graciouse mynde, and that your highnes myght have plener communicacion with hym in all such thinges as myght concerne the wele of this your said land and for the reducyng therof and your subyettes of the same to a gode and lawfull ordre and obeisaunce, to the pleaser of God and the wele and profit of your said subyettes and land, as in your said lettre more ampher it doth appere. Graciouse lord, and it like your highnes, we understand that he is bounden and sworne to be your trewe and feithfull subyet and hegeman as straitly and as sure as ever was eny subyet to his prince · the which othe and assurance our said gode lord hath wele and truly kept and observed contynuelly to this tyme, and undoubted will kepe during his lyve, and never will degresse from the said othe and assurance And, graciouse lord, forasmoche as we understand the great daungiers and emynent perles that shold falle if he shold depart owt of this your land aswell by your Irish enemys as otherwise ; for when our said gode lord was seke, wherof we certified your highnes but late, it was playnly and openly reported that our said gode lord was in grete joperdy of his lyve, by reason wherof diverse of the myghtiest of your Irish enemys confedered to gedir ymagyned and noysed a division . . . betwene them of your landes in this parties, yif God had don the will of our said gode lord And in his said sekenes ther were diverse of your subyettes robbed, spoyled, and taken prisoners and meny other grete hurtes done And by the oothes that we have don to your highnes that is true withowte feynnyng Wherfor we in our moost humble and obeysant maner beseeche your excellent grace to be his gode and graciouse lorde, and to have hym in your moost tendre favour, and that

he may have your graciouse license at this tyme to abide¹⁴⁹² [?] at home for the defence and sauvgard of us and others your feithfull subjettes, for diverse and meny urgent causes and grete daungiers, which we knowe rightwell shold fall in his absense yif he shold departe. And, graciouse lord, we beseche your highnes that what soever accusamentes be made unto your grace on our said lord that therbe no credence takyn therto tyll his resonable excuses be had in the same Moost excellent Cristen kyng and our moost redoubted soverayne hege lord, the Blessid Trinite graunte you meny prosperous yeres to reigne upon us, with victory of your enemys. Yoven at your Cite of Divelyn in playne parlement undre the oone part of your grete seall of this your said land, the iij of Juny Walterus Dublin. per Armacanum, manu propria, Johannes Midensis¹ [four abbots, a prior, and seven temporal lords] By your true and feithfull subiectes the lordes spirituels and temporels and your counseillours of your land of Irland in playne parlement ther assembled²

¹ John Payne, Bishop of Meath.

² A letter to the same effect follows ("Letters and Papers," i. 380-1) from Kildare himself, dated 5 June, and another from the earls of Desmond and Ormonde, Lord Roche and Lord de Coucey (*ibid.* pp. 381-2), who apparently had not been present to subscribe the letter sent from the lords in parliament. Their letter is dated Limerick, 10 July. Dr Gairdner assigns these letters to the period 1489-93. The long interval of nearly a year between the date of the King's letter (28 June) and the answers of the lords, which are all dated early in the following June, may be explained by the fact that they were coquetting with Perkin Warbeck who was in Ireland in 1491-2. "In playne parlement assembled" does not necessarily mean that any elected representatives were present, or that a parliament in the modern sense of the word was being held.

[Gerald, Earl of Kildare, to the Earl of Ormonde, Gairdner's
"Letters and Papers," n 55]

Dublin,
11 February,
1493

My lorde and cosyn, yn as herty wyse as I can I re-
commaund me to you. Like it you to understand that
nowe of late I did send my servauntis to the kyng with
letteris and enstrucciones such as I thoght sholde have
contented his mynde, that not withstandyng thei was
commytted to warde, where as never messengeris was
so entreted before, ne I can understand as yet the causes
why I am accused to the kyng, as I understand, that
I sholde have layn with the French lad that was sup-
ported with your cosyn and myne, therle of Desmound,
and that I sholde ayd supporte, and comferte hym with
godes and mesages, where as I never lay with hym ne
ayded, comforted, ne supported hyin, with godes ne yn
none other manner wyse, as the lordes of this land have
certified his highenes at this tyme Where unto I pray
you yeve credence, and to be my gode cosyn at this time,
where by I may the soner attayn my petitions to the
kyng is grace This land was never destrued till nowe,
whate by reason of the comyng downe of your bace
cosyn with the kyng is Irish enemyes to set his moost
noble auctorte in hure, and promysed them grete
godes with all ther gettyng on the kyng is English
subjectis that all is lost Your said cosyn pubblisheth
and name hymself erle of Ormound, and because he
can not have the better over your kynnesman he pro-
voketh and styrrerth Irishmen ther aboute the countes
of Kylkenny and Typperary to destrue the said countees,
which bene in substance destrued all redy, and whether
this be your pleasure or no I knowe not. Also, I have
restrayned the receitis of your rentis tyll I knowe your
mynde therin to whom ye wolde that thei sholde be

payed; for your said cosyn and the archebyschope bene ^{February, 1493.} concluded that at the nexst parlement he shalbe legitimate, and enabled by auctorite of the same to therledome of Ormound, as thogh ye were never entiteled therto. And whate ye will that I sholde do theryn I shalbe at your commaundement. I pray you to be gode lord to Cristofre Dowdall, archidekyn of Mythe, at this time; and that the kyng may be my gode and graciouse lorde on my peticiones, and whate pleasure I can do here shalbe alway at your desyre. And Jesu preserve you. Yeven under my signate at Divelyn the xj day of Februar And that ye yeve credence to Cristofre Dovedall, archidekyn of Mythe, this berrer

94.

[Piers Butler to the Earl of Ormonde, Gairdner's "Letters and Papers," ii p xli]

Right honorable, and mine especial good lord, I ^{Kilkenny.} recommend me in my most hearty wise unto your lord- ^{7 Septem- ber,} ship, certifying the same that where I trusted to Sir ^{1493 (?)} James Ormond by his life days, as much as I would have done to any kinsman of mine living, so it is that he, without any cause or occasion on my side, kept from me all mine own lands and duties, and over this took and kept me in prison by a long season, contrary to his oath and promise made upon the holy cross and other great relics, upon surety whereof I then came to him, and yet he never put me at liberty till my lord of Desmond by his great instant labours had gotten me to my liberty, whose desire he fulfilled upon trust that he should have married one of the said Earl's daughters. And after that, when the said Sir James understood that I resorted unto my Lord of Kildare, deputy lieutenant unto our Sovereign Lord the King of this his land of Ireland,

Septem-
ber,
1493 [?].

for the true affection, and service that I owe and bear unto his Highness, and the rather because he hath been good and gracious Sovereign Lord unto his said deputy ; the same Sir James, not pondering his said oath and promise, showed openly that wheresoever he might find me he would kill me, and over this took goods and cattle from such as he knew were towards me, as far forth as he might, to their great hurt and impoverishing, and to the utter undoing of some of them for ever ; and besides this took upon him all the rule within the counties of Kilkenny and Tipperary, and called himself Earl of Ormond. After which tyme it liked our said Sovereign Lord to command him his second letters, as he did by his first, to come unto his gracious presence, which letters the same Sir James utterly disobeyed in every point Whereupon Dublin, pursuivant unto our said Sovereign Lord, published the same Sir James his disobeisant subject. And after the which it fortunèd me, suddenly in the open field not far from Kilkenny, to meet with him ; and so by the grace of God, which would that every evil deed should be punished, the same Sir James and I, otherwhiles remembering his said oath and threatening againwards his disobedience to the King's said letters and commandments, rencountered and fought togethers so long till God had wrought his will upon him And now sith he is dead and was great and ancient rebel by his lifedays unto our said Sovereign Lord, and, upon his comfort and special desire moved, caused Perkin Warbeck to come lately into this land for the destruction of the subjects and possessions here of our Sovereign Lord, like as his Highness shall understand within brief tyme by the report of such as were privy unto the counsel of the said Perkin,—wherefore it may like your lordship, having tender respect to the premisses, and that I am

a poor kinsman of yours, to grant unto me, by your writing and seal authentic, the farm of all such lands and duties as your lordship hath, and shall grow due unto you within the counties of Kilkenny and Tipperary, and I shall see you better contented therefor than ye have been these many years past, and over this cause the same to [be] inhabited and occupied in the best and availablest manner that I can think or devise And forasmuch as I wold that your lordship should understand how well I shall behave me in the premisses for your pleasure and advantage, therefore I desire to have the said farm of your lordship but during your pleasure And like as I shall demean me therein, so I trust to find you my good lord for your larger grant in the premisses

September,
1493 [1].

[“Annals of the Four Masters,” iv p 1197.]

The son of the Earl of Ormond came to Ireland, after having been a long time in England An army was led by him, by O'Brien, with his kinsmen, and Mac William of Clanrickard, into the country of the Butlers, where they compelled the Butlers to give the Earl's son pledges of their submission The Irish [chieftains] of Leinster were taken prisoners, and Meath was ravaged, by this army The Street of the Sheep in Dublin was burned by the Lord Justice A peace was afterwards concluded between them [*recte* Sir James Ormond] and the Lord Justice, on these conditions, that each of them should have his own father's place, and that the deputyship in Ireland, i.e. the possession of the sword [of state] and every thing connected with it, should be transferred to the Archbishop of Dublin, until the King should settle their disputes, and set them to rights.

- 1492-3. The reason for which the Earl of Kildare resigned his office of Lord Justice, and withdrew himself from the English of Meath was, that they had not assisted him against the son of the Earl of Ormond. The English suffered many injuries in consequence of this, for, as soon as the Earl abandoned them, they were universally plundered and burned from every quarter by the Irish.

96.

[“Annals of the Four Masters,” iv 1211]

1494. The Earl of Kildare was taken prisoner in Dublin by the English, and sent over to England.

James (brother of the Earl of Kildare) ravaged Meath, while the Earl was in the king's palace

The Earl of Kildare, i.e. Garrett, the son of Thomas, and the son of the Earl of Ormond, i.e. James, son of John, son of James Butler, came from the house of the King of England, a peace having been concluded between them, and Edward Poynnil, an English knight, came with them as Lord Justice

97

[“Annals of Ulster,” Rolls Series, iii 383]

- 1494 The Earl of Kildare, namely, Gerald, son of Thomas of the Geraldines, and the grandson[son] of the Earl of Ormond, namely, James, son of John, son of James Butler, came from the house of the king of the Saxons to Ireland about November day of this year. And a Saxon knight came with them to Ireland, as justiciary over the Foreigners of Ireland, namely, Edward Poynnil.

98.

[“Calendar of Carew MSS.,” i 483; an Act of Attainder against the Earl of Kildare passed by the Irish parliament held by Sir Edward Poynings at Drogheda]

Prayen the Commons that forasmuch as Gerot^{December, 1494.} FitzThomas, Earl of Kildare, for the treasons, rebellions etc, by him committed, as in privily sending messengers and letters missive to the King's Irish enemies and English rebels, to provoke them to levy and make war against the King and Sir Edward Poyninges, knight, the King's Deputy of this land of Ireland, and in sending his men and servants to assist O'Hanlany the King's Irish enemy, and also in conspiring with the King's Irish enemies to have murdered and slain the said Deputy in the said O'Hanlon's country,¹ and also in causing his brother James and other rebels to take by treason the King's Castle of Carlaughe, rearing and setting up upon the same his conysaunce and standard, which castle was kept and fortified with men and victuals, in the name, and by the commandment of the said Earl until such time as it was gotten by the great wisdom and manhood of the said Deputy after his long and painful lying at the siege of the same, and over that continually used and kept openly quoyne and livery in divers and many places, contrary to the statutes; and over that assented and agreed with the King's great enemy, the King of Scots, to send to this land a great army of Scots, to aid and fortify the said Earl and the Earl of Desmond to destroy the said Deputy and the King's true subjects; therefore be it enacted, that the said Earl of Kildare be attainted of high treason, etc.

¹ See “Dict. Nat. Biogr.,” xlvii 272

[“Calendar of Carew MSS,” i 472]

1495

Parkyn Warbeck besieged Waterford the 23rd of July 1495, Mr Robert Butler then mayor.

Parkyn Warbeck and Morris Earl of Desmond, to the number of 24 thousand men of their setting forth, with the aid of the Earl of Lincoln,¹ besieged this city in the west part thereof, where they lay in siege eleven days, during which time the city and they skirmished daily, where it pleased God to send the victory still of the city's side, within which days arrived at Passage eleven ships of their setting forth, whereof came to Lombard's Wear two ships, which landed their men thereabouts. The citizens, perceiving their landing, set forth a band of men to encounter them, and so meeting together, God gave the victory on the city's side, and the enemies killed, and a number of them brought prisoners to the city, and their heads cut off at the market place, and put on stakes, and of their ships bulged or drowned with the ordinance shot out of Dondore. The noise and cry being great, and heard of them that were in St Patrick's field, were stayed from coming to aid their said fellows, by reason the ponds were kept full of water toward Kilbarry by several dams made by the city for that purpose. The fight being hot of every side, it pleased God that on the third day of August following in the morning before day the enemies were departed, and removed their siege toward Ballecuffyn, and from thence they departed the morrow following, with dishonour and great loss of their people, and the said Parkyn in person fain to take shipping at Passage, and to make sail out of the haven; and im-

¹ This seems to be a confusion; Lincoln abetted Lambert Simnel, and was killed at the battle of Stoke in 1487.

mediately the citizens pursued him with four ships, ¹⁴⁹⁵. well manned, to the city of Cork, where he was received at the gates of the said city by one Walters,¹ then mayor, and by him privily kept till he perceived the citizens of Waterford to arrive in the haven of Cork in pursuit of the said rebel. The said Walters conveyed the said Parkyn by night out of the said city in a small bark, and so went to sea towards Kinsale. And the said ships of Waterford, perceiving the false dealing of the said Walters, in that order pursued the said Parkyn to Lepros Island, near Kinsale, from whence he departed privily in a Spanish bark, and landed him in Cornwall in England, where the said four ships pursued him immediately upon his landing.² And upon notice thereof brought to King Henry the VIIth, who then was at Exeter, his Majesty pursued the said Parkyn, till he was apprehended and brought to the King unto Exeter, to be rewarded according to his desert.

100

[Items from Hattecliff's accounts, "Letters and Papers," ii 297-318.]

Termino Trinitatis Crastino xv die Junii Wilhelmo Sturton, pro ij. quart' paupiri per ipsum emptis ad libros pro officio receptoris domini Regis inde faciendos
- viij d.

Frairi Johanni de Fratribus Minoribus Dublin', misso ob certas causas ad perspicendum patriam Obrinni et alibi juxta marchias Anglicorum in Hibernia pro explorando mores eorum per mandatum domini Cancellarii etc.
ij s.

¹ See vol. i, pp 185, 211-12

² The writer here confounds Perkin's two attempts at Waterford, one in July, 1495, and the other two years later, see "Dict. Nat. Biogr.," lx 293.

1485.

Fratrī Johanni de Fratribus Minoribus misso per dominum cancellarium et alios de consilio domini regis in Hibernia, extra civitatem Dublin, usque dominum deputatum existentem in armata vexilla domini regis erexata versus comitem Desmond, Petrum Warbec et alios rebelles ac inimicos domini regis in comitatu Monstre et alibi, tam pro certis causis domini regis de dicto consilio domino deputato demonstrandis, quam ad rumores de dicta armata habendis, etc. iij s

Cuidam nuncio misso per dominum cancellarium et alios de consilio domini regis Obrum capitaneo suæ nationis in Hibernia ipsum ex parte domini deputati desiderare, in absentia ipsius deputati existentis super comitem Desmond, et Perkynum Warbec in armata de suo adjuvando pro salva custodia marchiarum Anglicarum xxvij^{to} die Julii. viij d.

De Henrico Wyot in denariis ab eo receptis de pretio unius navis domini regis vocatæ le Kekeoute, viz unius illarum navium captarum de Perkyn Warbec apud Waterford, et sibi venditarum per dominum thesaurarium xiiij^{mo} die Augusti, pro viginti sex libris, tresdecim solidis et quatuor denariis monetæ Hiberniæ

xxvj li xij s iiij d.

De domno thesaurario Hiberniæ in denariis ab eo receptis pro denariis per ipsum præstitis super expensis et misis guerræ domini regis factæ super comitem Desmond., Parkynum Warbec et alios inimicos domini regis coram Watirford et alibi, rec den. per manus Johannis Pympe thesaurarii guerrarum prædictarum una cum xx s solutis capitaneo Orelia apud Le Naas, xxviij^{mo} die Julii xxxj li

Dompno Johanni Staunton canonico exploratori pro domino deputato et consilio suo in terra Hiberniæ, in partes Monstr et alibi circa comitem Desmond, Perkynnum Warbec et alios rebelles domini regis ibidem,

de regardo, et dat' ex dono dicti domini deputati per¹⁴⁹⁵
warrantum suum cujus data est xxvj^{to} die Augusti, anno
prædicto. xxvj s viij d.

Adam van Edyngton et Willelmo Warrewik duobus
capitaneis vibrellatorum retentorum in obsequio domini
regis in Hibernia, in denariis eisdem solutis modo regardi
inter eosdem distribuendi ob bonum gestum eorum tam in
irrumpendo obsidionis per Perkynnum Warbec, comitem
Desmond et alios rebelles et inimicos domini regis positæ
eorum civitate de Waterford ac in capiendo trium navium
eorum ibidem eo tempore, per warrantum deputati,
datum [apud Dublin,] xxvj^{to} die Augusti anno prædicto
iii li.

De Roberto Forster collectore custum ac pond.
domini regis infra portum suum Dublin, in denariis
provenientibus de dicta custuma ab ipso receptis pro
denariis per ipsum solutis domino Edwardo Ponynge
militi deputato Hiberniæ, [in] partem solutionis feodi
annualis Henrici Onele, pro anno finiente ad festum
Sancti Michaelis anno xj^{mo} x li

.

101

["Annals of Ulster," iii 385]

The Saxon justiciary¹ left Ireland this year 1496.

102.

['Book of Howth,' pp 178-80]

The Earl of Kildare fell in variance with Plonket of¹⁴⁹³⁻⁶
Ramore² [who] being in some authority, took upon him
some fond and undesired authority which kept the

¹ Sir Edward Poyning, who was recalled in January, 1496.

² Rathmore

1493 7.6. Earl so short, that often they had skirmishes together. But always the Earl had the worst, and was put to such an afterdell, by reason of those that took part with Plonket, that the Earl durst not come to no part of Meithe, wherein his men and himself was often chased, killed, and wounded at sundry times. By reason thereof the said Earl durst not well be in no party of the county of Kildare three nights together, but in secret.

At length the country being somewhat in a quietness and stay, as Plonket thought, was not so careful of himself as he was [of] the peace of the people, and as he was when the Gerotens [*sic*] and he warred together. Being at a time about some of his affairs towards the quarters of Tryme with a 20 horsemen or less, the said Earl, then being lurking abroad, having about 12 horsemen, did see the said Plonket, and asked of a herd that kept cattle what those horsemen was. Said he "Dost thou not know the great Plonket, the gilt spur of Ireland? the which thou shouldst well understand if he knew of your being here."

"Well," said a horseman that was with the Earl, called Lionel Houthe, "Sir, I have served thee this long time; I had never rest with thee this long time, and never received anything at thy hand, nor at none else, but blows, hunger and cold. I tell thee, unless you set upon them this instant time and overcome them, that I shall never serve thee more." To which sayings all the rest of the horsemen did maintain, and said that it were their ease to die rather than to live.

The Earl mused awhile, and said "Do you think that it is for lack of heart that I do not that of myself? No! assured; but I fear that if I should enterprise this, that some of you will betray me for necessity, for I hath wearied you and myself and my poor friends. And, seeing I hear so much of you, let us go and make a

haliday of our matter; and I do commit the trust of ¹⁴⁹³ 1-6. myself to you, and the trust of you to God."

"Well," said Lionel, "you must understand that their oft chasing of us hath made them bold, as they are indeed good men, and well proved upon us. Their experience we know to our great losses, many and divers times. Therefore, let them go to such a hill where as they are bound, and put our horseboys upon our nags to follow them, as though we were there ourselves, and, when Plonket sees them, he will give the charge upon them, and in the meantime we will come upon them from the foresaid hill, finding them asunder, and, if our fortune be good, we shall have the upper hand upon them, if not, this be our last"

And so the Earl himself gave the charge, and was as good a man as could ride a horse, and did so that no man could do better, and so did all his men; but, to be short, Plonket was killed, and most part all his men. After which victory, men gathered to him a number

Then the Bishop of Methe¹ bare the stroke, which, upon a tunc, the Earl watched, so that he chased the Bishop into a church to take succour. The Earl followed him, and commanded him to come at him. The Bishop said he would not. "No?" said the Earl, "then, by Saint Bride! I shall fetch thee out": and commanded his men to light and follow him. The Earl went into the church with a drawn sword, and came where as the Bishop was kneeling in the chancel, and his shorn head bare. "By Saint Bride! were it not that I know my Prince would be offended with me. I could find in my heart to lay my sword upon your shaven crown"; and so took the Bishop.

After this, a Deputy was sent over from the King, which required the Earl that he would let the Bishop

¹ John Payne, see "Dict. Nat. Biogr.," xlv 109.

1493 ' 6. at large; which did. After the Earl had his pardon, and came to Doublinge, where he was taken in the evening, and sent forthwith in a bark that then was at Dublinge, in a readiness, and so sent to England, and brought to the King to answer to such things that was laid to his charge. Amongst all other, the Bishop of Methe being there, did charge the Earl with sundry matters of great importance, to which matters the Earl could not make answer, but stayed his tongue awhile, and said he was not learned to make answers in such weighty matters, nor at that time was he not well advised of them, for he said that the Bishop was learned, and so was not he, and those matters was long ago out of his mind, though he had done them, and so forgotten.

The King answered, and bade him choose a counsellor whom he would have in England, and he should have him, and also a time to be advised. "If you will so do," said the Earl, "I shall make answer tomorrow, but I doubt not I should not have that good fellow that I would choose." Said the King "By my truth thou shall." "Give me your hand," said the Earl. "Here is my hand," said the King.

The truth was, this Earl was but half an innocent man without great knowledge or learning, but rudely brought up according to the usage of his country, and was a man of no great wit, which the King well perceived, and did but jest at his demeanour and doings at court, for oft in his talk he thou'd the King and the rest of his council, which they took in good part.

"Well," said the King, "when will you choose your counsellor?" Said the Bishop, "Never, if it be put to his choice." "Thou hest brallaghe, bald Bishop," said the Earl; "as soon as thou wouldest choose a fair wench, if thou hadst thy wish, and that should be within this hour." With that the King and the lords

laughed, and made game thereat, and asked the Earl if ¹⁴⁹³ he said true. "By your hand" said he to the King, and took the King by the hand, "there is not in London a better mutton master or butcher than yonder shorn priest is I know him well enough," said the Earl. "Well," said the King, "we shall talk of these matters another time" "I am content," said the Earl, "for I have 3 tales to tell thee of him, and I daresay it will make you all laugh that is here If you tarry a while I shall tell you a good tale of this vicious prelate." The King and the lords could not hold the laughter but the Earl never changed countenance, but told this tale as though he were among his fellows in his country.

"Well," said the king, "it is best for you to choose well your counsellor, and be well advised whom you will choose, for I perceive that your counsellor shall have enough to do in your cause, for anything that I perceive you can do" "Shall I choose now?" said the Earl "If you so think good," said the King "Well, I can see no better man than you, and by Saint Bride! I will choose none other." "Well," said the King, "by Saint Bride! it was well requisite for you to choose so, for I thought your tale could not well excuse your doings unless you had well chosen." "Do you think that I am a fool?" said the Earl; "No!" said he, "I am a man in deed both in the field and in the town"

The King laughed and made sport, and said, "A wiser man might have chosen worse." "Well," said the Bishop, "he is as you see, for all Ireland cannot rule yonder gentleman." "No?" said the King, "then he is meet to rule all Ireland, seeing all Ireland cannot rule him"; and so made the Earl Deputy of Ireland during his life, and so sent him to his country with great gifts, and so the Earl came to Ireland.¹

¹ Two of Kildare's Irishmen were knighted by Henry in London on 6 January, 1495, Kingsford, p. 200.

[Henry Wyat on Irish finance, "Letters and Papers," ii 67-9 Wyat had on 26 April, 1495, been appointed "keeper of the change of the King's money in the Tower of London," *ibid* ii 375, but was employed in Ireland on financial administration in the summer of that year, *ibid* 299, 308]

Dublin,
August,
1496

Right honorable and myn especiall good maister, I recomaunde me right hertily unto you, thanking youre good maistirship of youre good lettre and counsel, for whiche your goodnes to me in that behalve and alle tymes past I am ever bounde to awe you my service [and to be oon of your bedemen to my power] Nathelesse where the kynges grace thinks, and as I aperceyve youre maistirship [and the counsel]¹ thinkith the same, that the revenues of this lande here shuld have borne the charge of his souldiours and ordinary fees paieable from tyme to tyme and terme to terme, Sir, as in that, if we hadde alle her ben of oone mynde in folowyng directly the Kynges mynde, and not to have charged hym inordinatly in yevyng wages and rewardes to Sir James Ormond and his keine and galoglasses, Edmund Pierson and other, whos myndes were folowed in occasionyng of warre, whiche spente oure revenues faster than it might growe, and also hathe wasted and disolate moche of the cuntre in dimishyng of theym diverse ways, I thinke not but elles I cowde with helpe [to have called in the revenues] have done according to the Kynges mynde and yours therin, in savyng of his mony and also in contentacion of my creditours that I made chevesaunce upon, which was done in substawnce before and at the departyng of master Ponynges, but it were for suche mony as I was in maner constrayned to make chevesaunce for nowe at this nedelesse warre that was

¹ These words are crossed out

moved at Estir last past, and that I made for Sir James ^{August, 1496}
 of Ormond nowe at his commyng over, whiche, as John
 Redyng can say, made in maner daunger in escusyng
 hym selfe he cowde not have come for lakke of mony
 Wherfor by thadvise of the said John, I put my self
 in so moche the further daunger, for he promysed me
 that I shuld have hadde my redy mony over from the
 Holte incontinent upon his commyng into England, and
 therfor toke ij of my servautes with hym, from whom I
 hadde comfort alwas, to¹ lettres came to me from the
 Kynges grace and youre maistirship, the xviiith day of
 July, that I shuld have hadde according to his said
 promyse, and or that tyme hadde I made signement to
 the souldiours, the baron of Delwyn, diverse officers and
 othir, of thuttermast peny of revenue of landes, subsidie,
 and custome, and all othir where eny duty is, levyng
 my creditours aparte, in trust of the said promyse, and
 that the Kynges grace, knowyng by my former wrytinges
 that I was never willing to suche overcharges as his
 counsel here caused to be hadde (and moche more shuld
 have bene, as God knowith, if I hadde consented), and
 therfor have I hadde greatt trouble and blame, as God
 knowith. Whiche custume I trust is in moche better
 ordir than hath ben in tyme past, and bettir might have
 ben if I hadde hadde suche statutes and ordirs therof
 sente oute of England as I sente for, but what for the
 warre that is betwixt the Frenchemen, Britons, and
 Spaynardis, and also a man of warre of vij^{xx} that leith
 nowe upon the cost ther entred never a straunger ship
 here sithins Midlent, and that hath skathed the kynges
 grace c li. and above, for here comys no recourse but by
 suche Pikardis as renne betwixt England and this, and
 yet the substaunce therof is fremens goodes of Dub-
 lyn and Droghedale, whiche paie the no costume .

¹ Until.

104.

[“ Annals of Ulster,” III. 409.]

September,
1196

The Earl of Kildare, namely Gerald, son of Thomas, son of John the Stopped, came to Ireland this year, a week before Michaelmas, as justiciary over the foreigners of Ireland and with great honour from the king of the Saxons and a daughter¹ of the brother [uncle] of the king himself namely, daughter of the abbot of Glastonbury,² his wife, with him.

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[“ Annals of the Four Masters,” IV 1255]

1500

An army was led by O'Donnell, i.e. Hugh Roe, into Tyrone, and burned the town of O'Neill of Dungannon, demolished the old castle, and burned the crannog of Loch-Laeghavié, and then returned home, not meeting any opposition on this occasion

An army was led by the Lord Justice of Ireland (Garrett, the son Thomas, Earl of Kildare) into Tyrone, and another army was led by O'Donnell, i.e. Hugh Roe, so that he joined the chief Justice at the castle of the sons of John Boy O'Neill, i.e. the castle of Kinard, which they besieged until they took it. The town was afterwards given up to Turlough, the son of Con O'Neill; and these chiefs then returned home. O'Donnell, after his return from this expedition, proceeded vigorously and resolutely into Tirerrill, and plundered the descendants of

¹ Elizabeth St. John, whose grandmother after the death of her first husband, Sir Oliver St. John, married John Beaufort second Duke of Somerset and became mother of Margaret Beaufort. Elizabeth was thus only cousin of the half-blood to Henry VII (“ Dict. Nat. Biogr.,” I. 150).

² No St John appears among the abbots of Glastonbury, see “ Victoria County History, Somerset,” II 93.

Brian Mac Donough, who were then at enmity with him, 1500. after which he returned home.

The aforementioned Turlough (to whom the Lord Justice had given up the castle of Kínard) was, at the end of six weeks afterwards, taken by O'Neill (Donnell), in O'Neill's own castle; and his creaghts were taken from him, which gave rise to much war in Tyrone

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[“Annals of Ulster,” III. 465]

The wife of the king of the Saxons died [this] year 1503 to wit, the daughter of king Edward [IV], and Isabel [was] her name, a woman that was of the greatest charity and humanity from Italy to Ireland. And the daughter of the king of Castile was given in her place to the king [*sic*]. A summons from the king of the Saxons this year to the Justiciary, that is, to the Earl of Kildare, namely, to Gerald, son of Earl Thomas, and he went on ship the Sunday [April 30] before May Day in the town of Ath-cliaith

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The Justiciary, namely the Earl of Kildare, that is, Gerald, son of Thomas, came with great honour from the king of the Saxons to Ireland this year, at the end of a week of Harvest. And his son, who was eight years in London in pledge of constancy [of loyalty] from him with the king was brought with him by him, and a wife had been given to his son in the east, namely the daughter of an Earl.¹

¹ Elizabeth, daughter of Sir John Zouche of Codnor; the Zouches of Codnor were not of baronial rank, though their kinsmen of Harringworth were.

["Annals of the Four Masters," v. 1277]

1504.

A great army was mustered by the Lord Justice, Garrett, the son of Thomas, Earl of Kildare. He was joined first by the chieftains of Leath-Chuinn, namely O'Donnell, i.e. Hugh Roe, and his son; then by the principal chieftains of Kinel-Connell, and a party of the Counacians, namely, O'Conor Roe, i.e. Hugh, the son of Felim Finn, and MacDermot, Lord of Moylurg. There came also in the same muster [all] the chiefs of Ulster, except O'Neill, namely, Art, the son of Hugh O'Neill, Tanist of Kinel-Owen, Donnell, the son of Magennis; MacMahon, and O'Hanlon; also O'Reilly, and O'Farrell, i.e. the bishop; O'Conor Faly; the O'Kellys; the Clann-William Burke, and the forces of almost all Leath-Chuinn. These numerous forces marched, without stopping, till they arrived in Clanrickard. MacWilliam of Clanrickard mustered a great army to give them battle, namely, Turlough, the son of Teige O'Brien, Lord of Thomond, and his kinsmen, with their forces, the Sil-Aedha, and Mulrony O'Carroll, Lord of Ely, with all clans and chieftains, joined by the chieftains of Ormond and Ara. MacWilliam and O'Brien, with their forces, then came to a brave resolution not to yield submission or hostages to their enemies, but to come to a battle with them exactly at Cnoc-Tuagh. A fierce battle was fought between them, such as had not been known of in latter times. Far away from the [combating] troops were heard the violent onset of the martial chiefs, the vehement efforts of the champions, the charge of the royal heroes, the noise of the lords, the clamour of the troops when endangered, the shouts and exaltation of the youths, the sound made by the falling of the brave men, and the triumphing of

the nobles over the plebeians. The battle was at length ¹⁵⁰⁴. gained against MacWilliam, O'Brien, and [the chiefs of] Leath-Mhogha; and a great slaughter was made of them; and among the slain was Morrough Mac-I-Brien-Ara, together with many others of the nobles. And of the nine battalions which were in solid battle array, there survived only one broken battalion. A countless number of the Lord Justice's forces were also slain, though they routed the others before them. It would be impossible to enumerate or specify all the slain, both horse and foot, in that battle, for the plain on which they were was impassable, from the vast and prodigious numbers of mangled bodies stretched in gory litters; of broken spears, cloven shields, shattered battle swords, mangled and disfigured bodies stretched dead, and beardless youths lying hideous, after expiring. After having gained this victory, the Lord Justice proposed to O'Donnell that they should go immediately to Galway, and O'Donnell replied [as follows]. "A considerable number," said he, "of our forces have been slain and overpowered, and others of them are scattered away from us, wherefore it is advisable to remain in this place to-night, in token of victory, and also to pitch a camp, for our soldiers and attendants will join us on recognizing our standards and banners." This was accordingly done, and on the following day the Lord Justice and O'Donnell proceeded to Galway, the Lord Justice carrying with him, as prisoners, the two sons, and also a daughter of MacWilliam. They remained for some time together in this town, cheerful and elated after the aforesaid victory. They afterwards went to Athenry, and obtained possession of the town; [where-upon] O'Donnell and the other chiefs took their leaves of the Lord Justice, and went home to their respective houses.

B. LEGISLATION.

108

[“Year Books,” ed 1679, 1 Henry VII, p 2 This interesting case raised the question of the competence of the English Parliament to bind Ireland, and a number of other constitutional points connected with the relations between statute law and the prerogative.]

1485. Touts les Justices en l’Eschequer Chambre estants, fuit move un Question parenter ceux de ville de Waterford en Ireland, & Sir Thomas Twayts Tresourer de Caleis, de ceo que ceux de Waterford eskippe certain Wools, & autres merchandizes oustre la mer entend a auters lieux que a Caleis, & le dit Tresourer per colour de Statut prist les merchandizes come forfaits etc Et ceux de Waterford justifia lour dit per chartres & licence H 6 & E. 4 Et le bill et le respons, & le replication faits en temps le dit Roy Richard furent rehereses, mes ceux de Waterford aver renewe lour bill come bill fait en temps le Roy qui or est Et prier respons & deliverance de lour matre. Et les Justices disoient, estant le Chancelier la, & le privy sécl la, qui ils ne puissent, ne veulent proceder sur ceo novel bill tanque le Treasurer Thwaites fuit garny. Et issint adjornez, etc.

Hussey Chief Justice disoit que les Statuts faits en Angleterre hera ceux de Ireland [Que ne fuit].¹ Que ne fuit moult dedit des autres Justices, nient obstant que ascun de eux furent en contraria Opinione le derrein terme en son absence. Donq disoit que est a voir les Statuts, & comment les Statuts & lour lettres²

¹ Sic in text ; ? repetition. This judicial decision anticipates Poynings’ law.

² The Waterford charters.

poient estre ensemble · et si il y ad un Statut que face ^{1435.} ce¹ felony, de ce ne poet le Roy grante licence sicome dautres felonies, mes le Roy poet pardon son interest quil est fait. Et a ceo le Chief Baron & auters disoient, ceo felony n'est semble al' felony al' Comon Ley ; car ceux felonies furent tous dits encontre le Comon Ley, & felonies queux le Roy ne poit granter licence a faire, & comment que il fait il n'est a purpose : mais ce ne fuit pas felony, ne trespas ale Comon Ley · et par ce semble que si le Roy grante a carier, etc. ceo n'est or felony Et adjournat quant a ceo point

Et quant a le interest le party qui aura parte dele forfait pur son labour, en cas le Roy poit pardonner ; et en cas nemy. En Decies tantum en le Statuts encontre les Vicontes Escheteurs & Customers, etc ou le party que espy ou voile suir, aura parte, [si] ascun fois le moity, ascun fois le tierce, ou quatre part, quand cesti qui voile suir, ad un fois son action commence, or est l'action sien, & nemy popularis ·² car par son suite commence il ad fait action populer estre son propre action, le quel le Roy, ne nul auter poit relessier quant a son interest, & le condemnation & le acquital le party a son suite est barre a touts gens, & encontre le Roy & uncore le Roy en touts ceux cases devait ascun action commence par estranger, poet ce pardone & relessier, & ce sert [barre]

¹ I e. the transport of wools to other places than the Staple at Calais.

² "Action popular is given upon the breach of some penal statute, which every man that will may sue for himself and the king by information or otherwise and because this action is not given to one especially but generally to any of the king's people it is called an action popular ; but in this case when one hath begun to pursue an action, no other may sue it" (Cowell) Of. 4 Henry VII, c. 20 "An Act that the prosecution of actions popular by collusion shall be no bar to those which shall prosecute in good faith."

1485. encontre tous gens. Quod Nota bene : car ce diversite
fuit grante & denie per nulluy etc

109.

[“Statuta, Ordinationes & Actiones in quodam Parlamento domini regis apud *Drogheda*, die Lune¹ proximo ante festum Sancti *Andree* Apostolicum, Anno regni regis HENRICI septimi decimo, coram *Edwardo Poynings* Milite Deputato ipsius domini regis terræ suæ *Hiberniæ* edita in hæc verba,” “Statutes of Ireland,” Dublin, 1621, vol 1 pp 53-68, 10 Henry VII, c 1 “An Acte authorising the Treasurer to make all officers as the Treasurer of England doth”.]

1494. Be it ordeyned, enacted and established in this present Parliament, by the assent of the Lords Spirituall and Temporall, and the Commons of this land in this Parliament assembled, That the Treasurer of the said land of Ireland from henceforth haue as ample and large power in all things concerning or belonging to his said office, as the Treasurer of England hath in his office, as for to make all Customers, Controlers, Farmors, and other Officers, accomptants for the most approuement and encreasement of the kings revenue of this land, And ouer that be it ordeyned and established by the said authority, That all manner Act or Acts made afore this time by the authority of any Parliament, holden within the said land, concerning the election or making of Sherifes and Escheators of the Shires of the said land, and all other officers, accomptants, and farmours accomptants, contrary to this present act be revoked, adnulled, and deemed voyd and of none effect in the law. And that it be ordeyned and established by the authority aforesaid That the Treasurer of Ireland from this time forward, euery yeare shall make a declaration of his accompt² of the revenues of the same land before

¹ 24 November, 1494.

² See above, Nos. 100, 103.

the Barons of the kings Eschequer in Ireland, and 1494. before such of the kings Counsaile there as shall be appointed or named by the kings Lieutenant or Deputie for the time being, and the same declaration to be certified into the king's Exchequer in England, and there before the Barons of the kings Exchequer in England the said accompt to be finished and determined. And that this present act extend not, ne be preiudiciall to the Maior, Bayliffes and commons of the citie of Dublin, ne to their successors, ne to no city nor towne priuiledged within the land

110.

[*Ibid* c 2 “An Act that the Chancellor and Treasurer, Judges of the Kings Bench and Common place, the cheefe and second Baron of the Exchequer, the Clerke or Master of the Rolls, and all officers accomptants to haue their offices but onely at the King's will and pleasure”.]

Item, prayen the Commons, that in consideration of the great and manifold inconueniences that late were attempted there contrary to all naturall allegiance, to the kings grievous displeasure, by the procurement, counsaile, and exhortation of such officers as late had administration of justice under the king in that land, and such as were officers accomptants, and had their offices graunted unto them by patent for terme of life, by reason whereof they were the more bolder to misuse their such authority, Therefore be it ordeyned, enacted and established by authoritie of this present Parliament, That from this time forward, no maner person or persons that shall haue ministration of justice, that is for to say, the Chancelor, the Treasurer, Judges of the Kings Bench, and common place, the chiefe and secondary Baron of the Exchequer, the Clerke or Master of the Rolls, and all maner officers accomptants haue any authority by

1494.

patent in their such offices, but onely at the kings will and pleasure : and if any graunt afore this time or hereafter be made of any of the said offices, unto any person or persons there, contrary to the premises, the same to be deemed voyde and of none effect in the law, and by the same authority all and every maner Act or Acts before this time made to the contrary hereof to be reuoked and deemed voyd and of none effect by the law.

111.

[*Ibid.* c. 3 “An Act adnulling a prescription which Traytors and Rebels claimed within this land”.]

Prayen the Commons, that in consideration of the great and haynous abusions and errours late had within the land of Ireland, by reason of an usurpation or pretended prescription, declaring that it hath beene used time out of minde that all maner of persons, as well rebels, traytours as other evill disposed persons, for any cause comming and ariving into the said land haue used to haue succowr, tuition, supportation and free liberty within the said land during their abiding there, without any grievance, hurt, or molestation of any person, notwithstanding any writ, priuy seale, the great seale, letters missives, under signet, or other commandement from the king, directed unto any officer or other person within the said land, to be executed against any such person or persons being rebels or traytours, whereas there was neuer such prescription ne usage had ne seene, experience whereof evidently appeareth in the time of that holy and blessed king of perpetuall memory king Henry the sixt, the said pretensed and unlawful prescription was approued, ratified, and confirmed by authority of parliament late holden, within the said land afore Richard Duke of Yorke there being then in rebellion, and pretending himselfe Lieutenant of the saide land unto the late king Henry

the sixt, and by the authority of that parliament it was ^{1494.} ordeyned and made high treason anempst any person or persons that would bring any writs, priuy seales or other commandements to attach, disturb, or grieue any such person hauing succowr, tuition or supportation, whereupon one Wilham Ouerey Esquire then being seruant vnto James, late Erle of Wiltshire and Ormond, for the cause was judged by the said late Duke to be drawen, hanged and quartered, and so was put to execution. And now of late it is not unknown what abusion and inconueniences haue beene within the said land by reason and colour of the said fained unlawfull prescription, and the said act of confirmation there upon made, as in the maintayning, supporting, and assisting these two laddes there contrary to all faithfull and naturall allegiance, the which abusion and enormity is declared and spoken of thorough all christian realmes, to the great shame and derision of such supporters, receptors and maintainers

In reformation whereof, and to the intent that no rebell from henceforth haue cause or courage to be as is aforesaid maintayned, recepted, or supported within the said land, that it be enacted, ordeyned, and established by the authority of this high Court of Parhament, That the said false usurpation or pretended prescription, and the aforesaid act of ratification, and confirmation, and euery thing in it contayned thereupon made, be utterly revoked, adnulled, repelled and deemed voyde, and to be of none effect in the Law.

And moreouer by the said authority it beene ordeyned and enacted That if any person or persons within the same land of Ireland, of what estate, degree or condition he be of, doe maintaine, support or receiue any such rebell, or at any time hereafter, that as well the receptor and maintaynor, as that rebell or person so re-

1494. cepted or maintayned, be taken, reputed and adiudged as open traytors unto our soueraigne Lord the King.

And ouer that, it be enacted, ordeyned and established by the same authority that the kings great seale, priuy seale, and letters missiues under his signet, sent out of his realme of England be duely obeyed, any such pretended prescription, usurpation, act, confirmation, or other ordinance made to the contrary notwithstanding.

112.

[*Ibid* c. 4: "An Act that no Parliament be holden in this land until the Acts be certified into England". The purpose of this famous Act was, as is suggested by the previous number, to impose a more substantial check upon a rebellious Viceroy than was provided by the feeble Irish Parliament.]

Item at the request of the Commons of the land of Ireland be it ordeyned, enacted and established, That at the next Parliament that there shall be holden by the kings commandement & licence, wherein amongst other the kings grace entendeth to haue a generall resumption of his whole reuenues sith the last day of the reigne of king Edward the second, no parliament be holden hereafter in the said land, but at such season as the Kings Lieutenant and Counsaile there first doe certifie the king under the great seale of that land the causes and considerations, and all such acts as them seemeth should passe in the same Parliament, and such causes, considerations, and acts affirmed by the King and his Counsaile to be good and expedient for that land, and his license thereupon, as well in affirmation of the said causes and acts, as to summon the said parliament vnder his great seale of England had and obtained, that done, a Parliament to be had and holden after the forme and effect afore rehearsed: and if any Parliament bee holden in that land hereafter, contrary to the forme and provi-

sion aforesaid, it be deemed voyd and of none effect in 1494. law.

113.

[*Ibid* c 5 "An Act against provisors to Rome".]

Prayen the Commons assembled in this present parliament, That where afore this time there hath beene, and yet be within the said land of Ireland, many debates and strifes betuixt the Prelates and other of the Church of Ireland, by reason of diverse prouisors suing by false and vntrue suggestions made vnto the Court of Rome, for to depriue and put out of possession the said Prelates and other beneficers from their liuelode and benefices, and by colour and cause whereof many of the kings true subiects Prelates and Beneficers, in that land wrongfully by strength and might be put out of their liuelode, and such persons prouisors be put in their places, contrary to the statutes of prouision in that behalf ordeyned, and contrary to reason, right and good conscience. Wherefore be it ordeyned, enacted and established by the authority of this present parliament, That all maner of estatutes aswell made within the Realme of England, as within the said land of Ireland against prouisors, by the authoritie of this present parliament be authorised, approued and confirmed, and be deemed good and effectuell in the Law. And also by authoritie aforesaid, That all and euery of the Statutes made against prouisors be from henceforth duely and straightly executed in all points within the saide land, according to the effect of the same. And the kings Justices, and Commissioners of the said land diligently enquire at their Sessions, and all other times requisite and behouefull of all and euery maner of person or persons that hereafter offend the said Statutes or any

1494. of them, and euery of the said persons so founden defectiue or trespassing in any of the said statutes, from henceforth be duely corrected and punished in example of all other in time to come, according to the tenure and purport of the said estatute.

114.

[*Ibid* c 6 "An Act that no citizen receiue luerie or wages of any Lord or Gentleman".]

Prayen the Commons, forasmuch as the cities and great townes of the land of Ireland, and in especiall the city of Dublin haue of late beene abused, and inordinately haue demeaned them for the most part contrary to their naturall faith and allegiance, not doing their ducty to the king our soueraigne Lord and such as his Grace did commit his authority unto, but for the amitie and fauour the whiche diuerse of the said Cities and Townes did beare to diuerse Lords and Gentlemen of the said land, and also were retayned with the said Lords contrary to their owne lawes and customes, whereas they should take part with no man, but onely the part of their soueraigne Lord and his Lneutenant for the time being, and to see their said Cities and townes surely kept vnder due order and obeysance, the which retanders, part taking, and diuision haue beene a great cause of all the trouble within the said land :

Wherefore the premisses considered, that it be ordeyned and enacted by authority of this present Parliament, from this time forward, That whatsoeuer Citizen, Burgesse, or freeman enhabite within any of the said Cities or Townes, doe receiue luery or wages, or make other promise or suerty by Indenture, or otherwise with any Lord or Gentleman within the said land, that then he or they that shall so offend the premisses, and as

often, to be depriued of his or their freedome and ¹⁴⁹⁴ libertie. And ouer that to be expulsed out of the said citie for euer.

And by the same authority it bee ordeyned that if the Mayor or head officers of the said Cities or Townes for the time being, doe not execute this present ordinance as often as it shall require, that then he forfeit to the king twenty pound

And by the same authority that it be ordeyned, that no Lord ne Gentleman of the said land reteine by luery, wages or promise, signe or token, by indenture or otherwise any person or persons but onely to such as he or shall be his officers, as Bayleifes, Steward, learned counsaile, receuiors, and meniall seruants daily in household at the said Lords costes. And if any Lord or Gentleman of the said land reteine any person contrary to the forme of this present act, that then (that duly proued and examined by the kings Counsaile, or two of them) both the Reteyner, and he that is reteyned to lese and forfeit to the king twenty pounds of lawfull money, as often as they or any of them shall doe contrary to this present Act, and that this Act extend not to the Marches of the said land, so that the Marches of the same doe present the names by indenture of all such persons as they shall haue in their retinue, such as they shall answer for at their perill to the kings Lieutenant or his deputie for the time being.

115.

[*Ibid.* c 8. "An Act for the confirmation of the Statutes of Kilkenny"]

Prayen the Commons, that forasmuch as the Statutes of Kilkenny were made and ordeyned for the publike weale of the kings subiects of Ireland, to keep them

1494.

under due order and obeysance, and all the season that the said Statutes were set in use and duely executed the said land continued in prosperitie and honour, and sith the time that they were not executed, the foresaid subiects rebelled and digressed from their allegiance, and the land did fall to rune and desolation, the premisses considered, that it be ordeyned, enacted and established by authority of this present Parliament, That all and euery of the foresaid Statutes (those that will that euery subiect shall ride in a saddle, and those that speaketh of the language of Irish all onely excepted) be authorised, approued, confirmed and deemed good and effectuell in the law, duely to be enquired of, and to be executed according to the tenors and purport of them and euery of them, any act or ordinance made to the contrary of them notwithstanding. And by the same authority it be ordeyned, that all other Acts made in that land for the common weale be likewise enquired of and executed, and that all the foresaid Statutes be incorporate and written in two bookes, one of them to be in the kings chiefe place, and another to be in the common place, and that the Treasurer of the said land haue in commaundement by the kings grace to see this performed.

116.

[*Ibid.* c 11 "An Act that no person take any money or amends for the death or murder of his friend or kinsman, other than the kings lawes will".]

Prayen the Commons of this land of Ireland, that where it is vsed by diuers of the said land for the death of any of their friends or kinsmen to vsen, slay or robbe, as many as beareth the name of him that is slaine, whereas his next heyre should sue appeals of death in the kings

Court for that murder, and by reason of such dampnable¹⁴⁹⁴. wayes, will compell all such persons as bene of the same name as he is of, that was causer of that murder, howbeit that hee was neuer of his blood, to pay assaut, that is to say, to depart with the most part of their goods by way of amends, Wherefore it be ordeyned enacted and established by authority of this present Parliament, That if any person or persons from this time forward doe challenge or cause any of the kings subiects to pay any assaut, or haue amends, otherwise then the kings lawes will in that behalfe, that he or they that so shall offend, and thereof to be conuicted haue iudgement *de vie et de member*. And by the same authority, that whensoever any such murder shall fortune, or any robbery to be done upon any of the foresaid subiects next adioyning to that place, there as the murder or robbery shall fortune to be done, doe leuy hue and cry according to the Statute of Winchester, on the paine contained in the said statute, and by the same authority that the said Statute of Winchester and euery article in it contained be due executed and put in use as it hath bene in old time past within the said land.

117

[*Ibid.* c. 12: "An Act that no great Ordnances be in no Fortress but by licence of the Deputie".]

Our soueraigne Lord the king by the advice and assent of his Lords spirituall and temporall, Proctors and Commons in this present Parliament assembled, and by authority of the same, for the suerty and weale of his Lieutenant, deputy, and subiects of his land of Ireland, haue ordeyned, enacted and established, That no maner person ne persons from this time forward, doe retaine or keepe in his house, garison or place, any

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maner ordnance or artillery, that is to say, great gunne or handgunne, except onely long bow, arrowes, and bills, upon paine of forfeiture of the said Ordnanee. And if any person or persons haue any gunnes or ordnances, a bow except, and doe not deliuer them to the kings Lieutenant or deputie within a moneth after proclamation hereupon made, or at any time here after keepe any such ordnances, without the Lieutenant or his deputies licence thereof had, that then he or they that shall offend in the premisses, and as often, doe forfeit to our said soueraigne Lord xx li. to be leuiod on their land, goods and cattels, like maner and forme.

118.

[*Ibid.* c 13 "An Act that no person stirre any Irishry to make warre"]

Forasmuch as diuerse persons haue assembled with Baners displayed against the Lieutenant and deputy of the said land, supposing that it was not treason so to doe, and many times the deputy hath bin put to reproch, and the common weale set in aduenture: Therefore be it ordeyned, and enacted by this present Parliament, That whatsoever person or persons fro this day forward, cause assemble or insurrection, conspiracies, or in any wise procure or stirre Irishry or Englishry to make warre against our soueraign Lord the kings authority, that is to say, his Lieutenant or deputy or Justice, or else if any maner person procure or stirre the Irishry to make warre vpon the Englishry, be deemed traytor attainted of high treason in likewise as such assemble and insurrection had bene leuiod against the kings owne person.

[*Ibid.* c 14. "An Act that one borne in the Realme of England to be Constable of Dublin, Trym, Lexlipp, Athlone, Wycklowe, Greencastle, Carlingford, and Gragfergouse".¹]

Item prayen the Commons, forasmuch as the Castles of Dublin, Trym, Lexlipp, Athlone, Wicklowe, Greene castell, Carlingford, and Gragfergous bin the chiefe Castles of the said land and of right appertaineth to our soueraigne Lord, the which Castles have bin negligently kept, and such as haue beene committed to the Constables or keeper of them for treason, felony and other offences, haue [been] suffered to escape wilfully to the great hurt and preiudice of our said soueraigne Lord, and of all the said land, Therefore it be ordeyned and enacted by authority of this present Parliament, That fro this time forward, there be in euery of the foresaid castles an able and sufficient person of the Realme of England, Constable of euery of the foresaid Castles for the more suerty of our said soueraigne lord, and of all his true subiects, and the better order to be kept in the said Castles.

[*Ibid.* c 17. "An Act that ne peace ne warre be made with any man without license of the Gouvernor".]

Item, prayen the Commons in this present Parliament assembled forasmuch as divers Lords and great gentlemen of Ireland useth daily to make seuerall peace with the king our soueraigne Lords Irish enemies, and where the peace hath bin taken and concluded by the Lieutenants and their deputies for the time being, with the forsaid enemies, and for the universal weale of our said soueraigne Lords true subiects, the said lords and gentle-

¹ Carrickfergus.

1494.

men for the singular lucor and for malice, haue diuers and many seasons, and without any authority of the Lieutenant or deputie for the time being, entred into the countries of such Irish enemies as haue standen under the protection of our said soueraigne Lord, and the same countries haue robbed, spoyled, hurt and destroyed, by reason whereof, the said enemies haue likewise entred into the English countrey, and the true English subjects haue robbed, spoyled and brent in semblable wise. wherefore it be ordeyned, enacted and established by authority of this present parliament, That from this time forward, there be no peace ne warre taken or had within the said land, without the Lieutenant or deputies licence, but such warre and peace as shalbe only taken or made by the Lieutenant or deputie for the time being And whatsoever person or persons breake the said peace, or take singular truce, or robbe, spoyle contrary to this present Act, and such goods and cattells as they shall hereafter fortune to robbe and fortune to take of Irish enemies, doe not deliver unto the Lieutenant or deputie within viii daies after the taking, that then by the same authoritie, he or they that so shall offend this present Act, and as often to forfeit C li of lawfull money to our said soueraigne Lord, and his or their body or bodies to be taken and committed to ward, there to abide without bayle or mainprise, unto such time as the said C li. be payed, or to find sufficient suerty in the Chancery, that he shall no more offend this present ordinance.

121.

[*Ibid* c. 18 : "An Act for extirpation of a new maner of coyne and huerie upon paines comprised in the Statute of Kilkenny".]

Prayen the commons of this present parliament assembled, that whereas, notwithstanding the Act late

made in the said parliament of the auoyding and damp-^{1494.}ning of this evill custome of coyne and luerie, there be many euill disposed persons which by subtile and crafty meanes and wayes, studying and imagining daily to cloke and colour the said dampnable custom, not forsing or pondering such acts and ordinances therupon late made for the common weale of this land, nor also the great danger and paine therein conteyned, accepteth and take daily by colour of gift and reward of some husbandmen for his meat and his seruants viii d, and of some lesse, and of some more, besides sheaues of otes and other graines for their horses, and so daily rideth about the country from one husband to another, menacing to be reuenged upon such husbands in time to come, if that they thereof should be denied, the which is equivalent and in like mischiefe to coyne and luere : wherefore it be ordeyned, enacted and establsished by authority of this present parliament, That no maner of person from henceforth upon pain contained in the Statute of Kilkenny, for taking of coyne and luerie, take any money or horsemeate by colour of gift, reward or otherwise by reason of any such menace, of any husband or inhabitant in the country. And also that no such husbandman or inhabitant from henceforth doe giue into such person or persons of gift or reward for his or their meate, any money or horsemeate by reason or occasion of any such menace, and if any such husbandman or inhabitant doe hereunto the contrary at any time to come, and shew not or disclose the same in the name of such as offendeth the premisses, unto such commussioners as shall enquire in the country of coyne and luery, that such husbands or inhabitants forfeit C s as oftentimes as he endeuoureth him not to doe according to the premisses, that is to say, the halfyndeale thereof to the king our soueraign lord, and thorthther halfe thereof to such as shall giue infor-

1494.

mation and knowledge thereof to the said commissioners, and he or they to sue for the said forfeit. . . .

122.

[*Ibid.* c. 20: "An Act abolishing these words *cromabo* and *butlerabo*", *cromabo* was the Geraldine whoop, and is still the Duke of Leinster's motto. *Crom* is an ape]

Item prayen the Commons in this present Parliament assembled, that forasmuch as there hath beene great variances, malices, debates and comparisons betweene duers Lords and Gentlemen of this land, which hath daily encreased by seditious meanes of diuerse idle and ill disposed persons, utterly taking upon them to be seruants to such Lords and Gentlemen for that they would be borne in their sayd idlenesse, and their other unlawfull demeaning, and nothing for any favour or entire good loue or will that they beare unto such Lords and Gentlemen, Therefore it be enacted and established by the same authority, That no person ne persons, of whatsoever estate condition or degree he or they be of, take part with any Lord or Gentleman, or uphold any such variances or comparisons in word or deed, as in using there words *cromabo*, *butlerabo* or other words like, or otherwise contrary to the kings lawes, his Crown and dignity and peace, but to call only on Saint George or the name of his soueraigne Lord the king of England for the time being. And if any person or persons of whatsoever estate, condition or degree he or they be of, doe contrary so offending in the premises or any of them, [that he or they] be take and committed to ward, there to remaine without bayle or mainprise, till he or they haue made fine after the discretion of the kings deputie of Ireland, and the kings counsaile of the same for the time being.

[*Ibid* c 21 : " An Act whereby murder of malice pretended is made treason ".]

Prayen the commons, that forasmuch as there hath bene uniuersal murder by malice pretended used and had in this land by diuerse persons contrary to the lawes of Almighty God, and the king, without any feare or due punishment had in that behalfe, that it be ordeyned, enacted and established by authority of this present Parliament, and of the Lords spirituall and temporall, and commons in the same assembled, That if any person or persons whatsoeuer estate, degree or condition he or they be of, from the feast of the purification of our Lady, the tenth yeare of the reigne of our Soueraigne Lord king Henry the seventh forward, of malice pretended doe slea or murder, or of the said malice prouoke stirre or procure any other person or persons to slea or murder any of the kings subiects within this land of Ireland, be deemed traytor attainted of high treason, likewise as it should extend to our said soueraigne Lords person and to his royall maiesty, and that the chiefe Lords haue their escheates and forfeitures of all maner lands, tenements, rents, seruices, with their appurtenaunces, any Act or ordinances to the contrary hereof notwithstanding.

[*Ibid* c 22 " An Act confirming all the Statutes made in England". This Act and No 126, below, support the view that, without confirmation by the Irish Parliament, Acts passed in England were not binding on Ireland, but Edward VI's Acts of Uniformity, for instance, and Mary's restoration of Roman Catholicism were enforced in Ireland without confirmation by an Irish Parliament Elizabeth's Acts of Supremacy and Uniformity were on the other hand passed also in the Irish Parliament.]

1494.

Item, prayen the Commons, that forasmuch as there beene many and diuerse good and profitable Statutes late made within the Realme of England by great labour, studie and policie as well in the time of our Soueraigne Lord the king, as in the time of his full noble and royall progenitors late kings of England, by the aduise of his and their discreete Counsaile, whereby the said Realme is ordered and brought to great wealth and prosperitie, and by all likelyhood so would this land if the said estatutes were used and executed in the same: wherefor it is ordeyned and established by authority of this present parliament, by the assent of the Lords spirituall and temporall, and the Commons assembled in the same, That all estatutes late made within the said Realme of England, concerning or belonging to the common and publike weale of the same from henceforth be deemed good and effectuell in the law, and ouer that, be accepted, used and executed within this land of Ireland in all points, at all times requisite according to the tenor and effect of the same. And ouer that by authority aforesaid, that they and euery of them be authorised, proued and confirmed in this said land of Ireland, And if any estatute or estatutes haue beene made within this said land, hereafter to the contrary, they and euery of them by authority aforesaid be adnulled, reuoked, voyde and of none effect in the law.

125.

[Gairdner's "Letters and Papers," II 376]

28 March,
1498.

Commission to the earl of Kildare to call a parliament (which shall not sit more than half a year) to enact as follows.

1. To ratify the reversal of Kildare's attainder.
2. That the chancellor and treasurer of Ireland may

elect a justiciar with the consent of the Irish council ^{March, 1498.} when there is no lieutenant or deputy.

3. Licences of absence from Ireland must be under the great seal of England; with exceptions in favour of religious houses, and students of God's law and the king's at Oxford, Cambridge, London, or any other University.

4 All persons to wear English dress and use English weapons

5. and 6. Concerning the customs [see below, Nos. 126, 127]

7 The temporal lords to wear in parliament robes according to their estates, as in England

8. To discourage Irish usages, every lord or merchant having livelihood or benefice worth 20 marks a year within the English pale, to ride "in a saddle after the English guise".

9. For cleansing the towns All swine to be put out of Dublin and Drogheda. The officers of Kells, Trim, Dundalk, etc. to compel the merchants to wear gowns and cloaks instead of hoods and foldings, and to cause the walls of those towns to be made and ditched, and the streets drained and paved, according to their grants of customs.

10 That William Barry, called Lord Barry, of Munster, and John Walter of Cork, merchant, be attainted for concealing letters received from "Parkyn Wosebeck".

126.

["Statutes of Ireland," vol 1 p. 69. 14 Henry VII, c. 1. "An Act for punishing of Customers, etc for their misdemeanors".]

Item, at the prayer of the Commons within this ^{1498-9.} present Parliament assembled, to the intent that the king our Soueraigne Lord shall not be deceiued of his

- 1498-9. Custome, Cocket, Tonage and poundage, nor of any other duety belonging vnto him, of or for merchandize conueyed into the land of Ireland, or out of the same land, It is authorised, enacted and established by authoritie of this present Parliament, That all and euery Act of Parliament made in England for punishment of Customers, Controlers and Searchers, for their misdemeanor or negligence in their office, or for the punishment of any merchant or of their proctors or factors, or for the good ordering of them, or for the good ordering of any of the said officers, be put in execution by the officers of this land, according to the tenor and effect of them, and in like maner as they be put in execution by the kings officers in England, And that all and euery of the said Acts be authorized and affirmed by this present Parliament, Prouided alwayes, that this Act shall not be put in execution till the said Acts of England be proclaymed at Dublin and Drogheda, and other Market townes, to the intent that Merchants may know what those Acts be and the paines of the same

127.

[*Ibid* p 70, 15 Henry VII c 1 "Twelve pence [to be] leued by the King out of euery twentie shillings worth of wares brought into Ireland, wine and oyle onely excepted"]

- 1499 1500 Item at the prayer of the Commons that for diuerse considerations it is ordeyned, graunted and established by authority of this present parliament, That our Soueraigne Lord the king and his heyres haue, perceue and leuy of all and euery twenty shillings worth of all maner merchandize and wares brought into this land of Ireland by any person or persons to be sold within the same land twelue pence: and likewise to haue leuie and perceiue of euerie twenty shillings worth of all maner merchandizes and wares after the price that they be

bought within this land, and to be carried out of the ^{1498-9.} same to be sold by any maner person or persons beyond the Sea, twelue pence, Wine and Oyle onely excepted.

And by the same authoritie it is ordeyned and established, that no maner person or persons bring any maner merchandizes or wares aforesaid into this land, breake any bulke, or bring any wares out of any ship or ships till the same wares be entred in the Customers booke by the merchant owner of the said wares or his attorney, or Purser of the said ship wherein the said wares be brought into this land, and that upon paine of forfeiture of the said wares so not entred in the Customers book in maner aforesaid, halfe to the king, and the other halfe to the spier and finder of the same, And also in likewise that no maner person or persons which will carry ouer the Seas any wares or merchandizes out of this land, ship or put into any boate or ship the same wares or merchandizes till then be entred in the Customers booke of the same port, and that upon paine of forfeiture of the same in maner aforesaid.

Provided alway, that this Act extend nor in any maner wise be preiudiciall or hurtfull to any free man of the Citie of Dublin, Waterford, ne of the towne of Drogheda being free by birth, or prentishood or marriage, and dwelling within the said Cities and towne.

APPENDIX I.

HENRY VII'S MINISTERS.

THE term "Privy" Council does not, it will be noted, occur in these documents, in which the only distinction drawn between one sort of council and another is that between the King's Council and the Great Council, and it is impossible, from the sources at present accessible, even to attempt the compilation of a list of the King's Council. It may even be doubted whether the King's Council was a very concrete body; we read of this or that councillor being influential with the King, but little (save in Ayala's despatch, ii 4) about any control or even advice given to the Crown by any definite body, except the advice given by the Judges and other Lords of Parliament on constitutional questions and reported in the "Year Books". It would appear that the King, like other great lords, "retained" certain councillors, and sought their advice, as individuals rather than as a council, without being under any obligation to consult them as a body; and that the definite organization of the Privy Council dates, like that of so many other elements in the constitution, from the reign of Henry VIII. All that is possible for the reign of Henry VII is to put together from scattered sources an incomplete list of those holders of office who *ex-officio* exercised influence or control over public administration. No existing list is adequate, those in Haydn's "Book of Dignities" (ed. Ockerby) being seriously defective, and the more accurate lists compiled by Mr Round and Mr Beaven for the new edition of G. E. Cokayne's "Complete Peerage" being limited to a few offices, and in some cases not beginning till the reign of Henry VIII.

These latter lists are styled "great offices of State," but the term "State" is somewhat loosely used, and some are feudal, while others are household dignities. Henry VII's reign in this, as in other respects, marks a transition from mediæval to modern organization; and the great feudal offices, which were naturally hereditary, were being eclipsed in political importance, in spite of the description of them given in the "Italian Relation,"¹ by newer posts held by royal appointment and during pleasure. The office of Lord High Steward had been merged in the Crown in the time of Henry IV, and henceforth appointments to it were only made *pro hac vice*, though an inferior office with a similar name, that of the Steward or Lord Steward of the Household,² was made a permanent department of administration. Similarly the office of hereditary Constable was allowed to lapse after the attainder of Henry Stafford, 2nd Duke of Buckingham in 1483, though the Earl of Derby was appointed to it *pro hac vice* in 1486, and it was claimed in vain by Buckingham's son Edward, the 3rd Duke, in Henry VIII's reign. The Marshalship which was hereditary in the Earls and Dukes of Norfolk, was transferred after Bosworth to Berkeley, Earl of Nottingham, one of the co-heirs of the Mowbrays, but on his death without male issue in 1492, it was bestowed on the infant Prince Henry. The office of Great Chamberlain of England, which is often confused with the minor office of Chamberlain of the Household, was vested by hereditary right in John De Vere, 13th Earl of Oxford, who held it throughout Henry VII's reign. He also held the non-hereditary office of Lord High Admiral of England.

Of the great non-hereditary political offices the most important was that of Lord High Chancellor, held by John Alcock,

¹ il. 26.

² Shrewsbury, who was Lord Steward of the Household, is called Lord High Steward by Puebla in 1507 (vol. 1. p. 298), and "High Steward of our house" by Henry VIII himself ("State Papers of Henry VIII," ed. 1830, i. 506).

Bishop of Worcester, from 22 August, 1485, to 6 March, 1486, when Morton became Chancellor and was succeeded by Alcock as Bishop of Ely. Morton was succeeded after a brief interval, during which only keepers of the Great Seal were appointed, by Warham who retained the Chancellorship till Wolsey's promotion at the end of 1515. The Lord High Treasurership was held from 1485 till his death on 28 January, 1501, by the undistinguished John, Lord Dynham,¹ he was succeeded on 25 June, 1501, by the Earl of Surrey, who held the Treasurership until 1522. Henry VII's first Lord Privy Seal was apparently John Gunthorpe, who had been appointed to that office by Richard III in 1483 and continued in it by Henry VII. In 1487,² however, he was replaced by Richard Foxe, who retained the office throughout the remainder of the reign. The development of the office of President of the Council is very obscure; no trace of it is found before 1496,³ and the list in G. E. Cokayne's "Peerage" begins in 1522. In the "Dict. Nat. Biogr." (xxxiv. 176) Sir Thomas Lovell is said to have become Treasurer of the Household and President of the Council in 1502; the latter statement is probably inaccurate. On 15 April, 1506, however, Henry VII describes Richard Fitz-James, Bishop of Chichester, as "Councillor and President of our Council",⁴ the "Italian Relation," which probably dates from 1499, refers to the "President of the Council" as one of the regular offices of State, and Fitz-James' name occurs in records of the Court of Requests as holding this office in 1499-1500.⁵ The Chancellor of the Exchequer, who

¹ Dynham, Dinam, or Dinan is given a "peerage" by the "Peerages," but a contemporary chronicler recording his death simply styles him "the right worshipful Sir John Dynham, Treasurer of England" (Kingsford, p. 233).

² Campbell's "Materials," ii. 158.

³ ii. 122; cf. Baldwin, "The King's Council," 1913, pp. 369 ff., 445.

⁴ "Venetian Cal.," i. No. 876.

⁵ ii. 26; Leadam, "Court of Requests," pp. cviii, cxix.

is described in 1499 as "the king's chief financier,"¹ was throughout the reign Sir Thomas Lovell, though much financial work was done by Empson and Dudley, whose official position is obscure.

The chief household officials were the Lord Chamberlain, the Lord Steward, and the Comptroller. Sir William Stanley was Lord Chamberlain till his attainder in 1495, when he was succeeded by Giles, Lord Daubeney. Daubeney died in 1508, but Sir Charles Somerset, Lord Herbert, had succeeded him as Lord Chamberlain in or before 1507.² The Lord Stewardship of the Household was held by John Radcliffe, Lord Fitzwalter, from October, 1485, to 1494,³ by Lord Willoughby de Broke from 1494 to his death on 23 August, 1502, and by the Earl of Shrewsbury for the rest of the reign. Henry's first Comptroller of the Household was Sir Richard Edgecumbe, after whose death in 1489 the office was bestowed successively upon Sir Richard Guildford (*d* 1506) and Sir Edward Poynings. The Chancellors of the Duchy of Lancaster were Sir Reginald Bray (*d* 5 Aug 1503), Sir John Mordaunt (*d* 1504), and Sir Richard Empson (*d*. 1509).

The office of Secretary, which developed so greatly in later Tudor times, was still of minor importance in Henry VII's reign. Richard Foxe, indeed, held it from 1485 to 1487, but soon left it for the office of Privy Seal and a bishopric. His successor, Oliver King, who had been French Secretary to Edward IV, also seems to have surrendered the office on his appointment in 1492 to the bishopric of Exeter. Stephen Frion, French Secretary to Henry VII, deserted to Warbeck's cause,⁴ and was succeeded by John Meautis. In 1496 Henry describes Robert Sherborne, afterwards Bishop of

¹ i. 208; Campbell's "Materials," i. 84.

² i. 298.

³ See Campbell's "Materials," i. 92, ii. 3; Leadam's "Court of Requests," p. cxi; and "Dict. Nat. Biogr.," lxxi. 41-2.

⁴ i. 185; Campbell's "Materials," ii. 60; "Venetian Cal.," i. No 556.

Chichester, as his Secretary;¹ and on his appointment as Dean of St. Paul's he was succeeded in 1499 by Thomas Ruthal who held the office till Henry's death. Under the control of the Secretary were the Clerks of the Council, of whom the most notable in Henry's reign appear to have been Robert Rydon and John Baldeswell. There were only two Viceroy's or Lords Lieutenant of Ireland during Henry VII's reign, Jasper Tudor, Duke of Bedford (*d.* 1495), and the young Prince Henry. Various Deputies to the Lord Lieutenant were, however, given temporary appointments either as Lord Deputy or Lord Justice, including the Earl of Kildare, Sir Edward Poynings, Walter Fitzsimons, Archbishop of Dublin, Henry Deane, afterwards Archbishop of Canterbury, and Robert Preston, Viscount Gormanstown. An interesting list of Henry VII's more unpopular agents is given in Perkin Warbeck's proclamation of 1497.² Perkin's complaint, like that of the Northern Pilgrims of 1536, is that the king's ministers are "carliffs and villains of simple birth".

¹ "Venetian Cal.," i. Nos 691, 712, 722.

² 152-3.

APPENDIX II

HENRY VII'S PARLIAMENTS.

DURING Henry VII's reign of nearly twenty-four years only seven parliaments and one Great Council were summoned. The Great Council is described on p. 46 of Vol. ii in general terms,¹ but no record of its *personnel* has come to light; and the total absence of official returns of members to the House of Commons for Henry VII's reign renders it impossible to examine Henry's attitude towards its composition. The probability is that it was little altered during Henry's reign. The *personnel* of the peerage can be discussed with more knowledge, but considerable misapprehension exists on the point. Bishop Stubbs² has protested against current exaggerations of the destructive effects of the Wars of the Roses and Henry VII's reign upon the ranks of the peerage, but his protest has been accepted and repeated without its limitations and qualifications. It is true that the number of temporal peers summoned to Parliament in 1504 is only some half dozen short of that summoned fifty years earlier; but there had nevertheless been a fundamental change in their position. The numbers had not been greatly diminished, but all the tallest heads were gone. Before 1504 the dukedoms of Norfolk, Suffolk, Somerset, Exeter, York, Gloucester, and the earldoms of Salisbury, Warwick, Lincoln, Nottingham, Rivers, March, Rutland, and Worcester had all disappeared; and there was but one Duke (Buckingham) and one Marquis (Dorset) left in all England. Henry VII, indeed, created his childless uncle Jasper, Duke of Bedford, and his infant sons Henry and Edmund, Dukes of

¹ See Busch, p. 109.

² "Lectures on Mediæval and Modern History," ed. 1887, pp. 405-6.

York and Somerset; but Bedford died without male issue, Somerset died in infancy, and York became Prince of Wales. Apart from these creations, Henry in 1489 raised the old and childless Earl of Nottingham to the Marquisate of Berkeley which became extinct three years later, gave an English earldom (Bath) to his Breton supporter Philibert de Chandé, who was never summoned to Parliament,¹ and an Irish earldom (Ormonde) to Thomas Butler, and created some half dozen or more barons, Daubeney, Cheyne, Dynham, Burgh, Darcy, Willoughby and Herbert.² There were, as Henry VIII pointed out to the rebels of 1536, "but two worthy calling noble" in his council at his accession, viz. Surrey and Shrewsbury. The overmighty subjects who had made the Wars of the Roses could not even disturb the peaceful Parliament Chamber under Henry VII

The following is a chronological table of the sessions of Henry's Parliaments.

First Parliament. Met 7 Nov. 1485, adjourned 10 Dec.
Reassembled 23 Jan. 1486, dissolved Feb

Second Parliament. Met 9 Nov 1487, dissolved apparently before Christmas.

Third Parliament. Met 13 Jan 1489, prorogued 23 Feb.
Reassembled 14 Oct., prorogued 4 Dec. Assembled again 25 Jan. 1490, dissolved 27 Feb

Fourth Parliament Met 17 Oct. 1491, prorogued 4 Dec.
Reassembled 26 Jan. 1492, dissolved 5 March, 1492.

Fifth Parliament. Met 14 Oct 1495.

Sixth Parliament. Met 16 Jan. 1497, dissolved 13 March.

Seventh Parliament Met 25 Jan 1504.

¹ Another earldom (Winchester) was held by a foreigner who was not summoned to Parliament. There was still no necessary connexion between Peerage and Parliament, the possession of even an earldom did not involve a summons to Parliament, and the receipt of a special writ of summons to Parliament did not *ipso facto* create a hereditary passage.

² Stubbs says three, omitting Darcy, Herbert, Willoughby, and Dynham.

APPENDIX III.

NOTES ON THE EXCHANGE VALUE OF MONEY.

SOVEREIGNS were first coined in England in 1490¹ when it was ordained that the new coin should pass for twenty shillings and be twice the weight of the "royal" or "rose noble"² The mark, worth 13s 4d, had hitherto been the highest English coin, and the half mark (6s 8d) was called a "noble" and an "angel" Then came the "crown" which in Henry VII's reign was roughly equivalent to the French *ecu*, the Spanish *scudo*, and the Italian ducat The author of the "Italian Relation" reckons a crown as worth a third of a mark (i.e. about 4s 5d) or the fifth of a pound sterling (i.e. 4s.).⁴ In the "Spanish Calendar" the *scudo* is reckoned at 4s 2d,⁵ and the crown at 4s.⁶ The ducat varied between 1453 and 1512 from 3s. 4d to 4s. 4d,⁷ while the *ecu* was occasionally reckoned as high as 5s 8d or 5s 6d.⁸ Below the crown the silver coins were the shilling and the groat, in the treaty of marriage between James IV and Margaret Tudor, twenty groats are reckoned at one "angel noble,"⁹ and the "Italian Relation" says that fourteen groats equal a ducat.⁹ An English pound was, however, equivalent to three pounds Scots¹⁰

In Henry's receipts for his French pension, a franc is reckoned at 20s Tours, and a French crown at 35s Tours; 35 francs were equivalent to 100 *ecus*, and a louis d'or to 6s. 8d.

¹ i. 84.

² "Cely Papers," Camden Soc., pp. xlix-lxii.

³ ii. 23-4.

⁴ "Spanish Cal.," i. 20

⁵ iii. 96

⁶ "Venetian Cal.," i. p. lxxi "

⁷ "Cely Papers," pp. xlix-lii.

⁸ iii. 70.

⁹ iii. 235.

¹⁰ iii. 66, 68

or 7s.¹ In Spain 328 to 350 maravedis or more went to an English crown,² while 375 maravedis were supposed to go to a ducat, and 34 maravedis to the Spanish *real*.³ At Calais proclamation was made in 1487 that 20s. English were to be reckoned equivalent to 30s. Flemish,⁴ but as a rule an English royal or rose noble fetched only 14s. 6d. Flemish, and a pound sterling 26s. 8d.⁵ In 1502 Somerset and Warham complained that the English crown was current at only 35½ stivers, that 12 groats made only 30 stivers, and a pound sterling fetched only six golden guilders.⁶

¹ in 37, 92, "Cely Papers," u s

² "Spanish Cal.," i pp 83, 123

³ "Cambridge Mod Hist.," i 357

⁵ "Cely Papers," u s

⁴ ii 276

⁶ iii 277

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¹ Erroneously said in "Dict Nat. Biogr" to have died about 1483

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¹To be distinguished from the John Heron, Henry VII's under-treasurer, whose accounts extant in the P R O were partially transcribed by Craven Orde into Brit Mus Add MS. 7099, and printed thence in Bentley's "*Excerpta Historica*," pp 87-133.

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¹ In "Dict. Nat. Biogr." (xlix, 444) this Russell is identified with the first Earl of Bedford, although the Earl is stated to have been born about 1486, and this Russell to have been a "man of great repute" in 1497.

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¹ The whole of the notorious proceedings against Wallingford are ignored in his biography in the "Dict Nat Biogr" (ixix. 136-8), and his death is conjecturally assigned to 1488, two years before Morton's citation of him

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